

1987

# Owen G. Freebairn v. Freebairn Electric and Construction Company, INC : Brief of Appellant

Utah Court of Appeals

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Owen G. Freebairn; Pro Se.

Deborah M. Larsen, Workers Compensation Fund of Utah; Erie V. Boorman; Second Injury Fund; Shaun Howell; Workers Compensation Fund of Utah; Barbara Elicerio; Workers Compensation Division.

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## Recommended Citation

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COURT OF APPEALS  
BRIEF

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DOCKET NO. 870419-CA

BRIEF for APPELLANT.

Owen G. Freebairn; Appellant:  
Freebairn Electric &  
Construction Company, Inc.  
222 North 1200 West 115.  
Crem, Utah. 84057.

Owen G. Freebairn  
Freebairn Electric and/or  
Workers Compensation Fund, and  
Second Injury Fund, and  
Industrial Commission of Utah.  
Commission Case No. 86001117.  
Utah Appeals Court No. 870419-CA.

UTAH COURT OF APPEALS  
Case No. 870419-CA.  
400 Midtown Plaza  
230 South 500 East St.  
S.L.C. Utah, 84102.

Opposing Counsel  
Deborah M. Larsen , for  
Workers Compensation Fund of Ut.  
Industrial Commission of Utah.  
P. O. Box 45420  
560 South 300 East St.  
S.L.C., Utah 84145-0420.

Erie V. Boorman, Administrator.  
Second Injury Fund.  
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S. L. C. Utah. 84145-0580

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S. L. C. Utah. 84111.

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Workers Compensation Division  
Industrial Commission of Utah  
160 East 300 South Street  
P. O. Box 45580.  
S. L. C. Utah. 84145-0580.

B R I E F  
F O R  
A P P E L L A N T

U T A H  
C O U R T  
O F  
A P P E A L S

Case No.

870419 CA..

**RECEIVED**  
DEC 23 1987  
870419-CA  
COURT OF APPEALS

# BRIEF OF APPELLANT Freebairn.

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# APPELLANTS BRIEF - Freebairn

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Counsel for Debtor in Possession. Hansen and Anderson, David E. Leta, Esq. 50 West Broadway, 6 & 7th Floors S. L. C. Utah. 84101	None.
Industrial Commission of Utah 160 E. 300 S St Judge Richard G. Sumsion S.L.C.Ut.84145. Chairman Stephen M. Hadley Barbara Elicevito, Legal Counsel Deborah M. Larsen, Attorney	1 thru 5.
Shaun Howell, Attorney Workers Compensation Fund of Utah 160 E. 300 South St S.L.C. Utah. 84111.	None
Owen G. Freebairn, as Appellant address on record (It happened to me- representing self)	1 thru 5.



APPELLANT'S BRIEF.

APPELLANT'S STATEMENTS  
OF THE CASE, ISSUES, and  
NATURE OF PROCEEDINGS.

Owen G. Freebairn v.  
Freebairn Electric and/or  
Workers Compensation Fund,  
Second Injury Fund, and  
Industrial Commission of Utah.  
Commission Case No. 86001117.  
Utah Appeals Court No. 870419CA.

Freebairn Electric & Construction Company, INC, a Corporation in Bankruptcy, ie: U. S. Bankruptcy Court, Central Division, District of Utah, Case No. 83C-00296, is required by Federal Law # 11-USC-S-1125 (a)(1) to file monthly financial reports of operation. These Financial Reports contain all the necessary information to prove-in the earnings of Owen G. Freebairn, over the period in question.

For THE UTAH COURT OF APPEALS convenience, copies of these records are attached in Addendum Pages 01 thru 54. This covers the period of March 1983 through June 1985. These reports indicate all transactions by the Corporation. Owen G. Freebairn, debtor in possession, operated this Corporation during this period. Any monies generated over the cost of materials and sub-contract labor, was earned by Owen G. Freebairn. These earnings were eaten up, as indicated in the Financial Reports, in the cost of operation of the Corporation; in fact, the Corporation lost money over this period. This is the reason why the Corporation showed a loss on Income Taxes for the years of 1983, 1984, and 1985. (See Addendum P 55-59). It is also the reason why no personal Income Taxes were filed for the same period. I have included in the Addendum, copies of all the pertinent documents from the COURT RECORD, ie: MOTIONS FOR REVIEW, FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDERS; Also, all documents, and Information pertaining to this case. I need help from the UTAH COURT OF APPEALS to put this information into proper perspective. The Addendum also includes the sequence of Dates of Happenings for this entire case.

On Feb 04, 1987 I was contacted by Louanna Tyler, legal adjuster for Workers Compensation Fund of Utah, and verbally offered settlement of this case for \$6,214.29 cash, plus some additional items up for discussion, plus all medical bills, etc. Incidentally, Medicare and supplemental Insurance paid surgeon Dr Douglas B. Kirkpatrick approx \$5,000.00 on my back operation. This saved the Workers Compensation Fund of Utah \$5,000.00. This happened when delaying the back operation for approx two years, account a Parkinson stricken wife. On Feb 06, 1987 while talking to Louanna Tyler, she suddenly broke off conversation saying "they decided to let this case go to trial being it was so close to trial". End Offer. (see Adn P 61).

APPELLANTS BRIEF - Freebairn

Continued.

Judge Richard G. Sumsion made his March 31, 1987 FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER, Denying Claim. (Adn'P-63-67.) On April 10, 1987 Owen G Freebairn issued an answer "ANSWER TO ERRORS OF FACT, and REQUEST FOR A NEW HEARING" (see Adn'P63-67.). May 08, 1987 Judge Sumsion issued a letter requesting more information. (Adn'P-68). This was answered on May 20, 1987 giving requested information to the Judge for further review of the case. (Adn'P-69) This had to do with earnings for Owen G. Freebairn while operating "debtor in possession" bankruptcy. Judge Richard G. Sumsion stated that the answer to this case was in the interpretation of the earnings shown in the financial reports.

On May 28, 1987 Judge Sumsion issued his "AMENDED, FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER" (Adn'P-72-77) This verified the earnings of Owen G. Freebairn while operating in bankruptcy, and other items as mentioned.

Deborah M. Larsen made her objections and complaints by issuing her June 02, 1987 MOTION FOR REVIEW. see (Adn'P-78-82) showing she has little confidence in her own case. In answer Judge Sumsion issued his third and final ORDER of June 15, 1987 SUPPLEMENTAL, FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER. (Adn'P-83-87.)

On June 18, 1987 Eric V. Boorman, Administrator of Second Injury Fund complied with Judge Sumsion's June 15, 1987 ORDER (Adn'P-83-87) and paid \$2,964.00 to Owen G. Freebairn. (Adn'P-88).

Deborah M. Larsen made her final objections and complaints on July 01, 1987 and requested her final MOTION FOR REVIEW. (see Adn'P-89-93). This again shows that she has little confidence in her own case.

Counsel Deborah M. Larsen, attorney for Workers Compensation Fund of Utah, has worked very hard to prove her case on a regular case basis. She does not understand or agree with the proceedings of a Corporation in Bankruptcy. (Adn'P-91 pgh 1) & (Adn'P-92 pgh B). She has objected to everything and everybody which shows she has little confidence in her own case.

Larsen cont P-3

BRIEF P-2

APPELLANTS BRIEF - - Freebairn.

Continued.

Deborah Larsen accused Applicant of having Fide or ExParte conversations with Judge Sumsion when only meeting with him to further explain requested information in his letter of May 08, 1987. This also damages his credibility, ie: see Larsens MOTION FOR REVIEW, July 01, 1987. (Adn'P-89-93(four)ie Pg 2 Pgh 2; Pg 3 Pgh 1; Pg4 Pgh B; Pg 4, Point 3) In answer to counsel Larsen's objections and arguments, I submit the following: Argument Point 1A (Pg 2 Pgh 4). The earnings of Owen G. Freebairn, as shown, were eaten up in the operations of the Corporation. Therefore, there was no gain to be shown on Income Taxes, even though Mr. Freebairn did have earnings in the Corporation. Argument Point 1B (Adn'P-90) As the operations of the Corporation ate up all the earnings of Owen G. Freebairn, he did not have any money but to pay the minimum required insurance coverage. I would say that this was in line at the time. Argument Point 1C (Adn'P-91 Pgh1 & Adn'P-92 Pgh's 1 & 2). It is very difficult to recap Financial Reports and get in everything you need without getting in figures that you do not need. You have the Cl1 Courts Financial Reports; and in detail. (Adn'P-01-53). Try making a Recap of your Own. Deborah M. Larsen on July 01, 1987, (Adn 'P 8 referred the case for review "MOTION FOR REVIEW" to Chairman Stephen M. Hadley; Commissioner Lenice L. Nielsen; and Commissioner John Florez. The new board denied the Claim and awards granted by Judge Richard G. Sumsion in his June 15, 87 ORDER. (Adn'P-83-87).

On Aug 28, 1987 Chairman Stephen M. Hadley and Group issued their ORDER GRANTING MOTION FOR REVIEW. (Adn'P-94-97). I respectfully submit the following: In a letter dated Feb 24, 1987 from my surgeon Douglas B. Kirkpatrick (operating back surgeon specialist)(Adn'P-62 Pgh 2) he indicates a 10% permanent partial impairment relative to this specific accident. Also, that there was no pre-existing partial impairment due to lumbar spine disease. (Adn'P-62). (Same letter Pgh 3) indicates a partial impairment for six months, Jan 02, 1987 thru July 02, 1987, no back lifting. Chairman Hadley's ORDER of Aug 28, 1987 (Adn'P-94)(Pgh 1 Line 2) "As the medical evidence submitted did not indicate an additional period of temporary total disability". This was taken from a report from Dr. Spencer, a State Insurance Fund doctor. His report is in the Appeals Court Record.

BRIEF P-3.

## APPLICANTS BRIEF - Freebairn

Continued.

Dr. Douglas B. Kirkpatrick was the doctor that actually performed my back surgery and he knows the conditions that existed and that he reported above. (BRIEF P-3)...

Chairman Hadley's ORDER (Adn'P-94 Pgh 1), In substantiating his own case, mentions Judge Sumsion's March 31, 1987 ORDER which says "the applicant was entitled to only the minimum compensation rate for the April 1984 injury as the applicant's Income Tax returns for 1983 and 1984 showed a net loss to the Corporation for which he worked". The Cll Financial Records dispute this. The Corporation officer, Owen G. Freebairn, operating the Corporation, did produce earnings as shown by the reports, however they were eaten up by the costs of running the Corporation. This is why there was no income shown on the tax returns and why Judge Sumsion later changed and AMMENDED his orders on May 28, 1987 (Adn'P-72-77) and June 15, 1987 (Adn'P-83-87). Chairman Hadley substantiates his own case on the fact that "he did not file a personal income tax return because his earnings were "minimal"". Under Cll records there was no profit shown for 1983 and 1984 hence a loss on tax reports for those years and naturally no income shown for Owen G. Freebairn. Chairman Hadley further substantiates his own case by pointing out, (Adn'P-95 Pgh 3 ), "pre ponderance of the reliable evidence indicates ie: Minimum Rate of \$55.00 per Week applicable"; "recap sheet includes assorted business accounting that is very difficult to sort out"; "payroll reports (none) and Income Tax reports are more reliable and accurate sources of actual income received, and the commission therefore finds these sources are the correct evidence upon which to base the compensation rate of \$55.00 per week". I cannot believe this reasoning by three experienced Industrial Commission Investigators, after all the testimony that has been given. This line of reasoning by Chairman Hadley is entirely incorrect in this case, In Bankruptcy. He persists in penalizing Owen G. Freebairn for being in Cll Bankruptcy by denying all compensations previously awarded by Judge Sumsions SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER of June 15, 1987. (Adn'P-83-87) I answered the same evidence brought out by Counsel Deborah M. Larsen. (Adn'P-89-93) & (BRIEF P-2 & 3). And explanations of the actual Financial Reports evidence (Adn'P-83-87) of earned income given by Judge Richard G. Sumsion.

Judge Sumsion recognizes that the Cll Bankruptcy records show what actually happened and are the best records we have upon which to base this case. He has been a real help in proving-in earnings for Owen G. Freebairn.

BRIEF P-4.

APPLICANTS BRIEF - Freebairn.

Continued.

I wish to base my entire case upon Judge Richard G. Sumsion's June 15, 1987 SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER, (Adn'P-83-87). Judge Sumsion explains this case in detail. I wish the Utah Court of Appeals to pay particular attention to Judge Sumsions facts, conclusions and ORDER.

The only avenue left for Owen G. Freebairn was to appeal to The Utah Court of Appeals, which was done on Sept 23, 1987. (Adn'P-98). The Docketing Statement was issued on Oct 19, 1987. (Adn'P-99-100).

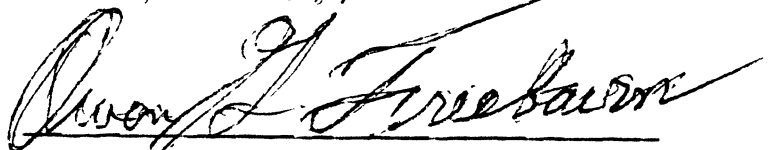
On Nov 04, 1987 Deborah M. Larsen was accepted as Counsel, also, for the Industrial Commission of Utah. (Adn'P-101). Erie V. Boorman, Administrator and Group, of the Second Injury Fund, Industrial Commission, will represent themselves.

STATEMENT to the UTAH COURT OF APPEALS.

As you probably know by now, going through this case, that Isabelle H. Freebairn is stricken with Parkinsons Disease (nine years now and incurable). I delayed my back operation for two years because there was no one to take care of her, and a back operation would have immobilized me for some months. I have not held the State responsible for this period in any way. Medicaid and Medicare offered to care for Mrs. Freebairn in a nursing Home at the cost of aprox \$1,500.00 per month to the State. I appreciate this offer, but it is only right for Mrs. Freebairn to be at Home with personal care and her family around her to Love and appreciate her as only can be done in a Home. Our efforts have saved the State quite a few thousands of dollars by now. It's hard to keep things separated and not wonder why the State would deny me a small benefit, that I am entitled to in this case, on some small technicality. I am grateful for the help that the State, Medicaid, and Medicare has given both of us these past years. REGARDLESS of how this case comes out, this will not change.

I solicit the help of the Utah Court of Appeals in proving-in earnings for Owen G. Freebairn while in Bankruptcy. This will also relieve me from owing the Workers Compensation Fund for any supposidly over payments of disability.

Thank you kindly,

A handwritten signature in cursive script that reads "Owen G. Freebairn". The signature is written in dark ink and is positioned above the typed name and date.

Owen G. Freebairn, Appellant  
December 23, 1987.

BRIEF OF APPELLANT - Freebairn.

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APPELLANTS BRIEF:

Owen G. Freebairn v.

ADDENDUM:

Freebairn Electric and/or  
Workers Compensation Fund,  
Second Injury Fund, and

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Commission Case No. 86001117.

Utah Appeals Court No. 870419CA

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End.

4-12-83  
QGF

FREEBORN & ASSOC  
DUE - APR 15, 1983. CONSTRUCTION COMP

Pg 1 of 2.

Financial Report - Period ending MAR 31, 1983.

# Statement of Cash Receipts & Disbursements

3-1-83 Actual Beginning Balance <sup>Corrected</sup> < 575.  
CB2 # --- 575.

Receipts			Amount
3-22-83	ZWICK CONSTR CO INC Wilshire Payroll 3-15-83 T.		3,559
3-4-83	Zwick CONSTR CO INC ✓ Payrd 2-28-83 T.		4,827.
3-29-83	✓ Joint w Amfac Elect. Sply Orem		1,234
3-28-83	✓ ✓ Debbenharn Elect SLC		1,233
3-4-83	✓ Joint Payroll Taxes (Fed & State) 2-28		289.
3-23-83	✓ ✓ ✓ ✓ 3-15		197.
3-1-83	✓ ✓ Other Job EXPENSES: INSURANCE & GASOLINE 2-28 (2)		783
3-11-83	Loan - Isabelle H. Freebairn - ✓		100.
3-28-83	Zwick Constrn Co INC - Amfac Orem		485
3-23-83	✓ ✓ ✓ ✓ ✓		622
			<u>\$13,331</u>

DISBURSEMENTS:			Amount
1983 Date	Payee	Description	
3-5-83	Payroll - Wilshire	2-28-83 - Labor	1,328..
3-5-83	Sub Contracts - Wilshire	✓	2,306..
3-5-83	Labor - Kent H. Freebairn		705..
3-5-83	Labor - Owen G Freebairn	✓ +	487..
3-5-83	IRS (2), State Tax Comm'n (2) = 4	Via Zwick-Just	486..
3-22-83	Payroll Wilshire 3-15-83	Labor	903..
3-22-83	Sub Contracts - Wilshire	✓ ✓	2,655..
3-28-83	Debbenharn Elect Sply	J.	1,233.
3-29-83	Amfac Elect Sply - Orem	J.	1,234.
3-16-83	Amfac	✓ ✓ ✓ J.	485.
3-23-83	✓ ✓ ✓ ✓	J.	622.
3-31-83	Casual Labor		69..
✓	Office Supplies		37..
✓	Vehicle Eqp Repairs		11..
✓	Les Colley Eng'g Svc's		150..
✓	Medical		81..
✓	Jerry's Husky Svc - Gasoline		24..
✓	Amfac Elect Sply - Orem		53..
✓	Graybar	✓ ✓ - SLC	54..
✓	Hilti - SLC - Supplies		75..

Am' 2-01

Total Disbursements \$13,007



1-12-83

08/3

pg 2 of 2.

## Recap Sheet

Corrected Prev Balance < 575.02  
Receipts \$ 13,331.97  
Disbursements \$ 13,004.83

March 31, Credit Balance \$ 327.14  
1983

4-1-83 Present Balance \$ < 247.88 >

mo-Loan: We Owe Isabelle H. Freebairn \$ 580.00  
(Feb 480. + MAR 100.)

4-1-83 Actual Balance < \$ 347.88 >

March 1983.

March 1983. Freebairn Elect.  
Disbursements

4-1-83

Freebairn Elect.  
Receipts

Q  
C  
✓ 355859+  
✓ 482727+  
✓ 123468+  
✓ 123363+  
✓ 28976+  
✓ 19709+  
✓ 78373+  
✓ 10000+  
✓ 48500+  
✓ 62222+

(10)

13331970

10

T. 1333197\*

C

C

Adn' E-02

4-1-83 ✓ 132827+  
✓ 230650+  
✓ 70500+  
✓ 48750+  
✓ 48685+  
✓ 90359+  
✓ 265500+  
✓ 123363+  
✓ 123468+  
✓ 48500+  
✓ 62222+  
✓ 6900+  
✓ 3778+  
✓ 1106+  
✓ 15000+  
✓ 8116+  
✓ 2440+  
✓ 5342+  
✓ 5423+  
✓ 7554+

(20)

13004830

20

T. 1300483\*

C

C

cl

Memo:

Zwick Construction  
Company Inc;  
Craig Zwick, Pres,  
Refuses to pay any  
Withdrawals to  
Freebairn Electric  
until completion of  
Wilshire Project.

DEF # 387.50

John  
APRIL 1982 IRVINGDAIRN ELECTRIC &  
CELL # 82-C-00296 Construction Company

FINANCIAL Report  
Period ending April 30, 1983

Statement of Cash Receipts & Disbursement

4-1-83 Actual Beginning Balance < 347.88

Receipts :

Date		From	Amount
5-83		Zwick Construction Company	153.79
/	✓	✓	✓ Amfac 1224.92
/	✓	✓ 3-31-83	✓ Labor & Sub Contractor 4045.96
4-21	✓	✓	✓ 335.56
-13	✓	✓	✓ 275.56
✓	✓	✓	✓ INS 283.23
-20	✓	✓ 4-15-83	✓ Labor & Sub Labor 2465.34
✓ 7772	✓	✓	✓ 131.32
-25	✓	✓	✓ Amfac 2106.00
-29	✓	✓	✓ Amfac 254.12
		Total Receipts	# 12,028.22

All Zwick Activities

# Disbursements Zwick

Central Bank # 71-20894-4 O.D. <sup>CLOSE</sup> <sup>ACCOUNT.</sup>	✓ 179.1
Insurance - Gen Lia - Premium INS	✓ 283.2
Amfac OREM - Materials Amfac	✓ 1224.9
Payroll - 3-31-83 & Sub-Contract Labor	✓ 4,045.9
Payroll - 4-15-83 & - - - - -	✓ 2,465.3
I R S. Current Withholdings (3) (Total)	✓ 466.88
Amfac, OREM Supplies PO Amfac	✓ 2,106.00
Amfac, OREM Mix Supplies Amfac	✓ 254.10
Associated Elect Supply -	✓ 70.70
Carbo Chemical -	✓ 16.50
State Tax Comm'n (2)	✓ 15.30
On the Road Expenses	✓ 12.70
Gasoline	✓ 171.20
Truck Repairs - Johnson	✓ 46.20
Amfac - OREM	✓ 84.80
Casual Labor	✓ 25.00
Utilities, 1/2 only	✓ 284.41
Rent " 1/2 only	✓ 155.62

Total      \$ 12,028.00  
Disbursements

## Recap Sheet :

Previous Balance < 347.88

(Corrected Previous Balance < 575.02,  
from March 1983.

Receipts 12,028.23  
Disbursements 12,028.23

April Balance < 347.88,

Memo : We Owe for Loans from  
Isabelle H. Freebairn,  
the following : +

Feb Loan \$ 480.00

March Loan \$ 100.00 ✓

April Loan \$ 752.43

Total \$ 1,332.43 < 1332.43

---

Actual April Balance \$ < 1,680.31

Memo : Zwick Construction Company  
Inc; Craig Zwick, Pres. Refuses  
to pay any withdrawals to  
Freebairn Electric until  
completion of Wilshire Condos  
Project. ✓

## EXHIBIT A

Chapter 11: June 15, 1983

Financial Report for the Period Ending May 31, 1983

Actual Beginning Balance (negative balance) (\$ 1,680.31)

## RECEIPTS:

104 5-6-83 Zwick Construction Company: IRS 4-30-83 ✓ 153.62  
 Zwick Construction Company: Hired Labor ✓ 1,069.69  
 Zwick Construction Company: Sub-contract Labor ✓ 1,688.50  
 Zwick Construction Company: Amfac Orem ✓ 338.58  
 5-13-83 Zwick Construction Company: Kent Freebairn ✓ 150.00  
 5-20-83 Zwick Construction Company: Hired Labor ✓ 1,309.02  
 Zwick Construction Company: Sub-contract Labor ✓ 1,817.00  
 8528 Zwick Construction Company: IRS 5-15-83 ✓ 276.44  
 8527 Zwick Construction Company: State Tax Commission ✓ 20.91  
 Zwick Construction Company: Thomas V. Shvey Labor ✓ 394.84  
 5-31-83 Zwick Construction Company: Amfac<sup>2</sup> Material ✓ 662.22  
 Zwick Construction Company: Amfac Misc. Material ✓ 14,339.40  
 5-18-83 Loan from Isabelle H. Freebairn: Renewal License 173.00  
 5-20-83 Loan from Isabelle H. Freebairn: Utilities  $\frac{1}{2}$  357.09  
 Loan from Isabelle H. Freebairn: Rent  $\frac{1}{2}$  228.12  
 5-31-83 Loan from Isabelle H. Freebairn: Ch. 11 Misc. 1,960.68  
 Total Receipts \$24,939.11

## DISBURSEMENTS:

5-31-83 Amfac Orem, Misc. Supplies<sup>1</sup> \$14,339.40  
 5-6-83 &  
 5-31-83 Amfac Orem, Misc. Supplies<sup>2</sup> 1,000.00  
 5-18-83 Licensing 165.00  
 IRS FICA & Wh'gs<sup>2</sup> 430.00  
 5-20-83 State Tax Commission 20.90  
 5-5-83 &  
 5-20-83 Payroll, Hired Labor<sup>3</sup> ZWICK 2,773.55  
 5-5-83 &  
 5-20-83 Sub-Contract Labor<sup>2</sup> ZWICK 3,265.50  
 5-13-83 &  
 5-18-83 Kent H. Freebairn - P. wd'ls<sup>2</sup> 200.00  
 5-20-83 Owen G. Freebairn - P. wd'l ✓ 240.00  
 May '83 Ch 11 Legal Services - Fabian & Clendenin<sup>2</sup> 900.00  
 May '83 Bank Business Services<sup>2</sup> 9.28  
 Various Utilities,  $\frac{1}{2}$  only <sup>3</sup> 357.09  
 Various Rentals,  $\frac{1}{2}$  only <sup>2</sup> 228.12  
 Various Gasoline, total 251.45  
 Various On the road expenses 13.85  
 Various Equipment Repairs <sup>3</sup> 60.93  
 Various Sandy Location,  $\frac{1}{2}$  only, Elect. & Heating, 4 Months 683.17  
 Total Disbursements \$24,939.11

See attached

Financial Report for the Period Ending May 31, 1983

Previous - Recaps: (correct Previous Typing errors:)

Memo: April Beginning Balance	(negative balance)	(\$ 347.88)
Memo: April Ending Balance	(negative balance)	(\$1,690.31)

Memo: We owe loans from Isabelle H. Freebairn:

1983 Feb. loan	\$ 480.00	Included in above April ending balance	
March loan	100.00	Sub-total	\$1,332.43
April loan	752.43		
<hr/>			
1983 May 18 loan	173.00		
May 20 loan	357.09		
May 20 loan	228.12		
May 31 loan	1,960.68	May loans Sub-total	\$2,718.89
<hr/>			
Owing Isabelle H. Freebairn:	Total		\$4,051.32

MAY RECAP

May Beginning Balance	(negative balance)	(\$ 1,680.31)
May loans		2,718.89
May Cash Receipts		24,939.11
May Cash Disbursements		24,939.11
May Ending Balance	(negative balance)	(\$ 4,399.20)
Total Loans Owing Isabelle H. Freebairn		\$ 4,051.32

MEMO:

Zwick Construction Company, Inc. Craig Zwick President, refuses to pay any withdrawals or payments to cover misc. job bills and job expenses for the last six months. He only pays labor and electrical supplies and taxes.

We have shown Zwick 3 or 4 times that there will be no overrun on this project--with no avail to alleviate the money problems.

We expect to complete this project during the month of ~~June~~ July.

We expect Zwick will settle up on this project shortly thereafter.

Thank you

/s/ Owen G. Freebairn  
Secy Treas  
Debtor in Possession.

P. W. d. / Zwick.  
OEF \$ 240,00

## EXHIBIT A

Chapter 11: July 15, 1983.

Financial Report for the Period Ending June 30, 1983.

Actual Beginning Balance	(Negative Balance)	( \$4,399.20 )
RECEIPTS		
6-1-83 Zwick Construction Company: Kent Freebairn		500.00
6-3-83 Zwick Construction Company: Hired Labor		383.24
6-3-83 Zwick Construction Company: Sub Contract Labor		1,434.50
6-3-83 Zwick Construction Company: Kent Freebairn		307.84
6-3-83 Zwick Construction Company: I.R.S.		133.38
6-3-83 Zwick Construction Company: Ut. St. Tax Comm'n		14.52
6-3-83 Zwick Construction Company: Hilti		75.54
6-3-83 Zwick Construction Company: Sec'y Prem Insurance		288.49
6-3-83 Zwick Construction Company: Ut Dept Empl Sec'y		337.98
6-3-83 Zwick Construction Company: BISCO Supplies		218.38
6-3-83 Zwick Construction Company: AMFAC, Orem "		1,031.33
6-3-83 John Harold Bass-Escrow # 55855, Sandy Property	35,000.00	Attc
6-7-83 Zwick Construction Company: Kent H. Freebairn		700.00
6-10-83 Zwick Construction Company: AMFAC, Orem Splys		383.57
6-20-83 Zwick Construction Company: Moving costs fm Sandy		800.00
6-20-83 Zwick Construction Company: Hired Labor 6-15-83		607.51
6-20-83 Zwick Construction Company: Sub-Contract Labor "		2,426.00
6-20-83 Zwick Construction Company: I. R. S.		174.50
6-20-83 Zwick Construction Company: St. Tax Comm'n		20.64
6-20-83 Zwick Construction Company: Ut Dept Empl Sec'y		36.26
6-20-83 Zwick Construction Company: Sec'y Prem Ins.		284.23
6-20-83 Zwick Construction Company: State Ins Fund.		223.39
6-20-83 Zwick Construction Company: Ut Dept Empl Sec'y		246.33
6-16-83 Zwick Construction Company: AMFAC, Orem Misc S.		368.30
6-22-83 Zwick Construction Company: AMFAC, Orem Misc S.		648.30
6-10-83 Loan from Isabelle H. Freebairn: Rent $\frac{1}{2}$ 2		1,005.62
6-25-83 Loan from Isabelle H. Freebairn: Utilities $\frac{1}{2}$ 2		299.23
6-30-83 Loan from Isabelle H. Freebairn: Ch 11. Misc.		None
	Total Receipts	47,954.08

DISBURSEMENTS:		
6-3-83 John Harold Bass, Escrow Costs & Payments		35,000.00 Attc
June 83 AMFAC, Orem. Misc Supplies 4.		2,431.50
June 83 Business Services, various 4		878.33
6-3 & 20-83. Hired Labor 2		995.75
6-3 & 6-20, 83 Sub-Contract Labor 2		3,760.50
6-20-83 Owen G. Freebairn - P.Wdl		100.00
June 83 Kent H. Freebairn - P.Wdls 3		1,507.84
6-3, 6-20, 83: I. R. S. 2		307.88
6-3, 6-20, 83: Ut. State Tax Comm'n 2		35.16
JUNE 83 Ut. Dept Empl Sec'y 3		620.57
JUNE 83 Misc Supplies 3		317.86
JUNE 83 Insurance, Gen Lia, Veh, etc 2		572.72
JUNE 83 State Insurance Fund		223.39
JUNE 83 Permit Fee's 2		21.30
JUNE 83 Gasoline various		183.46
JUNE 83 Repairs on Eqm'- Move from Sandy Location		997.82
	Total Disbursements	\$ 47,954.08

Chapter 11: August 15, 1983.

Financial Report for the Period Ending July 31, 1983.

Actual Beginning Balance (Negative Balance) (\$ 5,704.05)

RECEIPTS:

7-6-83	Zwisch Construction Company: Hired Labor	328.26
7-6-83	Zwisch Construction Company: Sub-Contract Labor	4,196.45
7-6-83	Zwisch Construction Company: Owen G. Freebairn, P.Wdl.	337.34
7-6-83	Zwisch Construction Company: I. R. S.	90.18
7-6-83	Zwisch Construction Company: State Tax Commission.	2.11
7-6-83	Zwisch Construction Company: Ut. Dept' Empl't Sec'y	23.80
7-8-83	Loan from Isabelle H. Freebairn: Rent & Utilities	185.00
7-18-83	Rebate Taxes, Redeposited. Ut. Cou. Tax Assessor:	59.14
7-20-83	Zwisch Construction Company: State Ins. Fund	101.01
7-20-83	Zwisch Construction Company: Sec'y Prem' Finance Ins.	284.23
7-20-83	Zwisch Construction Company: Bisco Misc Materials	69.64
7-20-83	Zwisch Construction Company: Dept of Empl' Security.	199.15
7-29-83	Zwisch Construction Company: Amfac, Orem Misc Materials	2,776.03
7-31-83	Loan from Isabelle H. Freebairn: Miscellaneous C-11	1,383.61
	Total Receipts	\$10,035.95

DISBURSEMENTS:

July, All.	Gasoline, Oil, various	400.51
July, All.	On the Road Expenses, various	154.16
July, All.	Business Services 4.	59.44
July, All.	Miscellaneous Materials 4	66.85
7-8-83	Utilities, Phone, Fuel, Power, Lights	242.52
July, All.	Rent, Storage. 4	556.62
July, All.	Equipment, Trucks 5, Parking, 5 Month's	175.00
7-8-83	Equipment, License Fee's	12.80
7-8-83	Equipment, Taxes ICW License Fee's	78.99
7-20-83	Miscellaneous Hardware Supplies, BISCO	69.64
7-23-83	AMFAC, Orem. Miscellaneous Materials	2,776.03
7-23-83	State Insurance Fund. 2Q83	101.01
6-30-83	Hired Labor, Taxable.	328.26
6-30, 7-15-83	Sub-Contract Labor 2	4,196.45
7-23-83	Insurance, General Liability, Vehicles, etc	284.23
7-8-83	State Tax Commission	2.46
July 83	Kent H. Freebairn, Withdrawals	None.
July 83	Owen G. Freebairn, Withdrawals 2.	337.34
7-8-83	Utah Dept' Empl' Security July 83	42.08
July 83	I. R. S., Withholdings	151.56
	Total Disbursements	\$10,035.95

From May 31, 1983 Owing Isabelle H. Freebairn	\$ 4,051.32
From June 83 Loans 2 fm Isabelle H. Freebairn	\$ 1,304.85
From July 83 Loans 2 fm Isabelle H. Freebairn	\$ 1,568.61
7-31-83 Total Owing Isabelle H. Freebairn....	\$ 6,924.78

CCF #337.34



Chapter 11, September 15, 1983.

Financial Report for the Period Ending August 31, 1983

Actual Beginning Balance	(Negative Balance)	( \$ 6,924.78
RECEIPTS:		
8-5-83 Zwick Construction Company: Dept Empl'Security		199.15
8-5-83 Zwick Construction Company: Sub-Contract Labor		214.50
8-19-83 Zwick Construction Company: Amfac Elect Sply, Orem.		249.23
8-19-83 Zwick Construction Company: Sub-Contract Labor		1,648.50
8-19-83 Zwick Construction Company: Ins.Security Prem Finance		283.73
8-25-83 Harry Anderson, Lehi.		425.00
8-26-83 Independent V. W. Service: Exchange Credit on Cll Bill		785.00
8-29-83 Jerry's Husky Service: Exchange Credit on Gasoline Bill		
used on Zwick Wilshire job - Zwick refused to pay.		1,200.00
	TOTAL RECEIPTS	\$ 5,005.11
DISBURSEMENTS:		
Aug,All 1/2 Rent, Storage.		593.12
8-10-83 1/2 Utilities, Phone, Fuel, Power, Lights		257.64
8-15-83 Insurance		363.23
Aug,All Medical Services		78.98
Aug,All Miscellaneous OTHER supplies.		21.04
8-10-83 Business Services 2		12.00
8-22-83 Sub-Contract Labor		1,863.00
Aug,All Electrical Supplies		284.48
Aug,All Office Expenses		111.46
Aug,All Gasoline, Oil, etc.		196.00
8-29-83 Gasoline on Zwick Job, refused by Zwick, Wilshire Job		986.00
Aug,All Licenses, Permits, etc.		47.86
Aug,All Taxes. 3		145.57
8-10-83 Zions First Nat'l Bank.Cll Arams' June, July, Aug @ 200/mo		600.00
Aug,All Repairs, misc		36.00
8-23-83 Taxes, Dept Empl Security		199.15
	sub total	4,717.53
8-31-83 Payment to Isabelle H. Freebairn, on Loans		287.58
	Total Expenditures	\$5,005.11
From July 31, 1983 Owing Isabelle H. Freebairn		\$6,924.78
Payment this month to Isabelle H. Freebairn on Loans		287.58
Balance 8-31-83 Owing Isabelle H. Freebairn on Loans		\$6,637.20
Beginning Balance August 1, 1983.	(Negative)	( \$6,924.78
Ending Balance August 31, 1983.	(Negative)	( \$6,637.20
August 1983 Cash Receipts.		\$5,005.11
August 1983 Cash Disbursements.		\$5,005.11

MEMO'S, Continued on page 2 of 2.

Hired Labor

3 Jobs 2410.00  
less Mat 284.48  
- Sub-Contr 214.50  
✓ IHP Phon 287.88

None  
06F  
\$ 1622.14

## EXHIBIT A (Page 1 of 2)

Chapter 11, October 15, 1983.

Financial Report for the Period Ending September 30, 1983

Actual Beginning Balance (Negative Balance) (\$ 6,637.20)

## RECEIPTS:

9-6-83 Zwick Construction Company	Sub-Contract Labor	440.00
9-20-83 Zwick Construction Company	Sub-Contract Labor	352.00
9-25-83 Zwick Construction Company	Ins Gen. Liability	283.76
9-30-83 Loan fm Isabelle H. Freebairn,	ZFNB Cll Pmt.	200.00
Sept All Loan fm Isabelle H. Freebairn,	Amfac, Orem 3	931.70
Sept All Loan fm Isabelle H. Freebairn,	Amfac, Orem 4	90.24
9-30-83 Loan fm Isabelle H. Freebairn,	to Bal Sept.	1,942.91

## TOTAL RECEIPTS

\$ 4,240.61

## DISBURSEMENTS:

Sept All $\frac{1}{2}$ Rent, Storage,		555.62
9-10-83 $\frac{1}{2}$ Utilities, Phone, Fuel, Power, Lights.		212.50
9-25-83 Insurance, Gen Liability, Veh, etc		284.23
Sept All Medical Services	2	199.00
9-19-83 Business Services	Jerry's Husky	100.00
9-6,20-83 Sub-Contract Labor	2	897.00
9-6-83 Amfac, Orem	Elect Supplies	249.23
9-30-83 Amfac, Orem	Elect Supplies	931.70
Sept All Amfac, Orem	Elect Supplies	289.72
9-30-83 Other Supplies		None
Sept All Office supplies, misc		25.26
Sept All Gasoline, Oil, misc services Vehicles		418.87
Sept All On the Road Expenses	Sept	15.70
Aug 83. On the Road Expenses	(missed in August 83)	111.01
Sept All Licenses, Permits, etc		None
Sept 83 Taxes on hired Labor		None
Sept 83 Hired taxable Labor		None
9-30-83 Zions F.N.B.	Cll Pmt	200.00
9-30-83 Equipment repairs		None.
9-30-83 Withdrawals, Kent H. Freebairn		None
9-30-83 Withdrawals, Owen G. Freebairn		None
9-30-83 Third Qtr Taxes	None Due	None

## TOTAL DISBURSEMENTS

\$ 4,240.61

Beginning Balance September 1, 1983	(Negative)	(\$ 6,637.20 )
Ending Balance September 30 1983.	(Negative)	(\$ 9,802.05 )
Loans, 4, from Isabelle H. Freebairn, this month, total		\$ 3,164.85
Loans, Previous, Ending Aug 31, 1983 fm Isabelle H. Freebairn		6,637.20
TOTAL Loans owing Isabelle H. Freebairn, Ending Sept 30.		\$ 9,802.05 1983
September 1983 Cash RECEIPTS		\$ 4,240.61
September 1983 Cash Disbursements		\$ 4,240.61

## MEMORANDUMS:

see page 2 of 2.

all Zwick activities

Chapter 11,

November 7, 1983.

Financial Report for the period Ending October 31, 1983.

Actual Beginning Balance (Negative Balance ) (\$ 9,802.05 )

RECEIPTS:

10-21-83	Zwick Construction Company Insurance	284.23
10-21-83	Zwick Construction Company Sub-Contract Labor	120.00
10-7-83	Schmidt Signs	950.00
10-14-83	Schmidt Signs	500.00
10-21-83	Schmidt Signs	1,000.00
10-5-83	Zwick Construction Company, Payroll refused, see P.2	None
10-21-83	Zwick Construction Company, Payroll refused, except above	None
10-3-83	Loan fm Isabelle H. Freebairn, Zions Cll Payment	200.00
10-31-83	Loan fm Isabelle H. Freebairn, to balance account	313.83

TOTAL RECEIPTS

\$ 3,368.06

DISBURSEMENTS:

Oct All	1/2 only Rent, Storage,	455.62
Oct All	1/2 only Utilities, Phone, Fuel, Power, Lights	307.50
10-25-83	Insurance, Gen Lia, Veh, etc	284.23
10-7-83	Medical Services	21.14
Oct All	Business Services	37.73
Oct All	Sub-Contract Labor	807.50
Oct All	Hired Taxable Labor	None
Oct All	Taxes on Hired Labor	None
Oct All	Electrical Supplies, Associated Elect Supply	450.29
Oct All	Other Supplies, misc	9.27
Oct All	Office Supplies, misc	5.34
Oct All	Gasoline, Oil, misc services Vehicles	192.34
Oct all	On the Road Expenses Oct.	53.99
10-14-83	Permits, Licenses, etc	18.00
10-30-83	Zions F. N. B. Cll Pmt.	200.00
Oct All	Equipment repairs	225.11
10-21-83	Withdrawal, Kent H. Freebairn	50.00
10-21-83	Withdrawal, Owen G. Freebairn	230.00
10-30-83	Third Qtr 83, State Insurance Fund. (Min Pmt.)	20.00

TOTAL DISBURSEMENTS \$ 3,368.06

Beginning Balance October 1, 1983. (Negative) (\$ 9,802.05)

Ending Balance October 31, 1983. (Negative) (\$ 10,315.88)

Loans, 2, from Isabelle H. Freebairn, this month Total \$ 513.83

Loans, Previous, fm Isabelle H. Freebairn, Sept 30, 1983. \$ 9,802.05

TOTAL Loans owing Isabelle H. Freebairn, Ending Oct 31, 83. \$ 10,315.88

October 1983 Cash RECEIPTS..... \$ 3,368.06

October 1983 Cash DISBURSEMENTS..... \$ 3,368.06

MEMORANDUMS:

see exhibit A, page 2 of 2.

## EXHIBIT A. (Page 1 of 2)

Chapter 11.

December 15, 1983.

Financial Report for the period Ending November 30, 1983.

Actual Beginning Balance  
1983.

Negative Balance.....( \$ 10,315.88 )

## RECEIPTS:

11-4-83	Boyers Automotive	✓	35.00	
11-7-83	Schmidt Signs	✓	500.00	
11-7-83	A. G. Body	✓	519.00	
11-15-83	Schmidt Signs	✓	50.00	
11-18-83	A. G. Body	✓	500.00	
11-7-83	Lou Harper	✓	75.00	
11-21-83	James Mc/Dermott	✓	1,335.00	
11-21-83	Dwight Wood	✓	600.00	
11-23-83	Sommer Electric, rentals	✓	100.00	
11-23-83	Lou Harper	✓	100.00	
11-30-83	Isabelle H. Freebairn - Loan to Balance	✓	515.27	✓ Repair

Total Receipts \$ 4,329.27

## DISEURSEMENTS:

Nov, All	$\frac{1}{2}$ Rent, Storage.	Reduced	317.62
Nov, All	$\frac{1}{2}$ Utilities, Phone, Fuel, Power, Lights	Reduced	100.20
Nov, All	Insurance Misc		74.00
Nov, All	Medical Service		125.15
Nov, All	Business Services		135.23
Nov, All	Sub-Contract Labor		975.07
Nov,	Hired Taxable Labor		None
Nov	Taxes on Hired Labor		None
Nov, All	Electrical Supplies, all	- ✓	1,108.33
Nov, All	Other Supplies, Misc Supplies		99.59
Nov	Office Supplies		None
Nov, All	Gasoline, Oil, misc services vehicles		175.36
Nov, All	On the road expenses Nov		75.48
Nov, All	Permits, Licenses, etc	- ✓	289.00
11-29-83	Zions F. N. B. Clt pmt.		200.00
Nov, All	Equipment Repairs		64.44
Nov	Withdrawals		None
Nov, All	State Tax Commission		284.50
Nov, All	State Tax Commission		21.30
Nov, 20	Insurance, Gen Lia, Vehicles, etc		284.00

Total Disbursements \$ 4,329.27

Beginning Balance Nov 1, 1983 (Negative) ( \$10,315.88 )

Ending Balance Nov 30, 1983 (Negative) ( \$10,331.15 )

Loan fm Isabelle H. Freebairn, this month to Bal. ✓ \$ 515.27 Repaid

Loans previous, fm Isabelle H. Freebairn. \$10,315.88

Total Loans owing Isabelle H. Freebairn, ending Nov 30, 1983 \$10,831.15

November 1983 CASH RECEIPTS \$ 4,329.27

November 1983 CASH DISBURSEMENTS \$ 4,329.27

## MEMORANDUMS PERTINENT

see exhibit A, page 2 of 2.

OEF \$ 1901.40

Chapter 11.

January 6, 1984.

Financial Report for the period Ending December 31, 1983.

Actual Beginning Balance Negative.( \$ 10,478.86 )

1983.	RECEIPTS:	AMOUNT
12-1-83.	James McDermott	355.00
12-5-83.	Dwight Wood	223.00
12-14-83.	Schmidt Signs	418.00
12-15-83.	Dave Young	881.34
12-20-83.	Schmidt Signs	145.00
12-27-83.	Bradshaw Development	2,174.00
12-30-83.	Schmidt Signs	250.00
12-31-83.	Sidney Makoff	225.00
12-31-83.	Sigma Nu Fraternity	425.00
12-31-83.	A. G. Body	1,350.00
12-31-83.	Zwick Construction Company, Inc. None this month.	000000

T \$ 6446.34  
Total Receipts \$ 6,446.34

DISBURSEMENTS:		
Dec, All.	$\frac{1}{2}$ Rent & Storage	Reduced 230.27
Dec, All	$\frac{1}{2}$ Utilities, Tel, Fuel, Power, Lights	71.36
Dec, All	Insurance	Gen Lia, Veh, Misc 303.73
12-15-83	Medical, Misc	21.00
Dec, All	Business Services	230.48
Dec, All	Sub-Contract Labor	2,615.51
Dec, All	Hired Labor, taxable	None.
Dec, All	Taxes on Hired Labor	None.
Dec, All	Electrical Supplies	1,533.76
Dec, All	Other Supplies, Misc supplies	76.18
Dec, All	Office Supplies	None.
Dec, All	Gasoline, Oil, Misc Svc's vehicles, etc	123.87
Dec, All	On the Road Expenses.	38.33
Dec, All	Permits, Licenses, etc	None.
12-31-83	Zions F. N. Bank, Cll Payment	200.00
Dec, All	Equipment Repairs	128.51
12-20-83	Withdrawal, Kent H. Freebairn	500.00
12-20-83	Withdrawal, Owen G. Freebairn	145.00
Dec, All	Taxes, All	None.
12-31-83	Partial repayment to Isabelle H. Freebairn on Loans	166.67

Total Disbursements \$ 6,446.34

December 1983. CASH RECEIPTS	\$ 6,446.34
December 1983. CASH DISBURSEMENTS	\$ 6,446.34
Beginning Balance December 1, 1983.	Negative (\$ 10,831.15 )
Ending Balance December 31, 1983.	Negative (\$ 10,664.48 )
Loans previous, fm Isabelle H. Freebairn	\$ 10,831.15
Loan payment , to Isabelle H. Freebairn, this month	\$ 166.67
Total Loans owing Isabelle H. Freebairn, ending Dec 31, 83.	\$ 10,664.48

Memorandums, (see page 2 of 2)

February 7, 1984.

Actual Beginning Balance Negative. ( 3 10,664.43

RECEIPTS:

TOTAL RECEIPTS 7,353.59

Jan, All	⊖ Rent & Storage	Reduced	255.02
Jan, All	⊖ Utilities, Tel, Fuel, Pwr, Lites. "	"	84.33
Jan, All	Insurance,	Gen Lia, Veh, Misc.	934.46
Jan, All	Medical		None
Jan, All	Business Services	misc	9.41
Jan, All	Sub-Contract Labor		✓ 1,688.50
Jan, All	Hired Labor, Taxable		None
Jan, All	Taxes on Hired Labor,	940 1Q83.	133.67
Jan, All	Electrical Supplies	All	✓ 2,657.5
Jan, All	Other Supplies	misc	✓ 75.31
Jan, All	Office Supplies	misc	20.00
Jan, All	Gasoline, Oil, Misc Svc's vehicles, etc		240.20
Jan, All	On the Road expenses	all	79.29
Jan, All	Permits, licenses, etc		None
1-31-84	Zions F. N. Bank, Cl1 Payment (\$1,600.00 T.thru Date)		200.00
Jan, All	Equipment Repairs		107.07
Jan, All	Withdrawals, Kent H. Freebairn		None
Jan, All	Withdrawals, Owen G. Freebairn		None
Jan, All	Taxes	misc	3.56
1-31-84.	Partial RePm't to Isabelle H. Freebairn on Loans.		354.59

TOTAL DISBURSEMENTS £ 7,353.59

ACE # 2531 76

Chapter 11. March 12, 1984.  
 Financial Report for the period Ending February 29, 1984.  
 Actual beginning Balance.....Negative. (\$ 9,809.89 ;)  
 1984.

RECEIPTS:

Feb 16	Sidney Makoff 805		355.00
Feb 23	A. G. Body	#1	500.00
Feb 23	Paul Jensen, Osmond Studios		45.00
Feb 23	Medicare-Medicade		7.22
Feb 27	Craig Freebairn		140.00
Feb 27	A. G. Body	#2	500.00
Feb 29	Bangerter & Associates		136.00
Feb 29	A. G. Body	#3	2,000.00

RECEIPTS TOTAL \$ 3,677.22

T 3670.00

DISBURSEMENTS:

Feb All	1/3 Rent & Storage		285.62
Feb All	1/3 Utilities, Tel, Fuel, Pwr, Lites.		90.69
Feb All	Insurance		270.48
Feb All	Medical		84.59
Feb All	Business Services		15.00
Feb All	Sub-Contract Labor		612.00
Feb All	Hired Labor, Taxable		None.
Feb All	Taxes on Hired Labor		None.
Feb All	Taxes. I. R. S. (940 for 1983)		133.93
Feb All	Taxes. Misc Items		166.31
Feb All	Permits, Licenses		None.
Feb All	Electrical Supplies		948.52
Feb All	Other Supplies		16.82
Feb All	Office Supplies		35.00
Feb All	Gasoline, Oil, Misc		148.00
Feb All	On the Road Expenses		97.00
Feb All	Zions F. N. B., Cll payment (1,800.00 T.thruDate		200.00
Feb All	L. D. S. materials - Work on Projects		145.00
Feb All	Equipment Repairs		292.15
Feb All	Withdrawals - Kent H. Freebairn		None.
Feb All	Withdrawals - Owen G. Freebairn		None.
Feb 29	Partial Re-Payment to Isabelle H. Freebairn +		136.11
	on previous Loans.		

Total DISBURSEMENTS \$ 3,677.22

MEMOS: RECAPS:

February 1984 Cash Receipts		\$ 3,677.22
February 1984 Cash Disbursements		\$ 3,677.22
Beginning Balance February 1984	Negative	(\$ 9,809.89 )
Ending Balance February 29, 1984.	Negative	(\$ 9,673.78 )
Loans, Previous fm Isabelle H. Freebairn, Balance		\$ 9,809.89
Loan Payment to Isabelle H. Freebairn this month +		136.11
Total Loans owing Isabelle H. Freebairn, Endg 2-29-84.		\$ 9,673.78

Exhibit A Memo's  
 (Continued on Pg 2 of 2).

## EXHIBIT A (Pg 1 of 2)

Chapter 11.

April 14, 1984.

Financial Report for the period Ending March 31, 1984.

Actual Beginning Balance.....Negative, ( \$ 9,673.78 )

## RECEIPTS:

3-15-84	Maryland Casualty, Rebate, Payment of Claim	565.27
3-23-84	Schmidt Signs, Repairs	44.50
3-28-84	James Mc Dermott, Wilshire 800 Finish Completion	1,409.60
3-31-84	Schmidt Finish, partial	200.00
3-31-84	Gusco, Upholstery, Partial	500.00
3-31-84	sub-total	2,820.37
3-31-84	Loan from Isabelle H. Freebairn, to Balance	1,035.95
	Receipts Total	\$ 3,856.32

## DISBURSEMENTS:

T \$ 2254.10

Mar All	1/2 Rent & Storage, etc	255.62
Mar All	1/2 Utilities, Tel, Fuel, Fwr, Lites.	96.76
Mar All	Insurance	313.63
Mar All	Medical	140.68
Mar All	Business Services	13.30
Mar All	Sub-Contract Labor	1,079.00
Mar All	Hired Labor, Taxable	None
Mar All	Taxes on Hired Labor	None
Mar All	Permits, Licenses	18.50
Mar All	Electrical Supplies	533.24
Mar All	Other Supplies, Misc Supplies	55.59
Mar All	Office Supplies, & Expenses	None
Mar All	1/2 Telephone	49.68
Mar All	Gasoline, Oil, Misc	176.60
Mar All	On the Road Expenses	277.41
Mar 31,	Zions F. N. B. Cl1 payment (\$2,000.00 thru date)	200.00
Mar All	Equipment Repairs	304.86

Disbursements Total \$ 3,856.32

## MEMO's - RECAPS.

March 1984 Cash Receipts	\$	2,820.37
March 1984 Cash Disbursements	\$	3,856.32
Beginning Balance March 1984	Negative (\$	9,673.78 )
Ending Balance March 1984	Negative (\$	10,709.73 )
Loans, Balance Prev fm Isabelle H. Freebairn "	\$	9,673.78
Loan fm Isabelle H. Freebairn, this month to Bal.	\$	1,035.95
Total Loans Cwing Isabelle H. Freebairn, Mar 31, 84	\$	10,709.73

EXHIBIT A Memos, Continued on  
Page 2 of 2.



## EXHIBIT A (Pg 1 of 2)

Chapter 11.

May 7, 1934.

Financial Report for the period Ending April 30, 1984.

Actual Beginning Balance.....Negative (\$10,709.73)

1984.

## RECEIPTS:

Apr 9,84	GUSCO Upholstery, finish.	✓	280.00
Apr16,84	National Home Life, Insurance Rebate.		50.00
Apr20,84	City Gate Corp'n, Wilshire Extras, Misc	✓	536.31
Apr27,84	City Gate Corp'n, Wilshire Misc.	✓	53.00
Apr30,84	Schmidt Signs, Offices Finish in full.	✓	231.29
Apr30,84	Loan to Bal, fm Isabelle H. Freebairn	✓	1,510.33
	See Memo's Pg 2 of 2.		
	Receipts Sub Total		1,255.60
	Receipts Total		\$ 2,765.93

1984.

## DISBURSEMENTS:

T 1205.29

Apr, All	$\frac{1}{2}$ Rent, Storage, etc.		255.62
Apr, All	$\frac{1}{2}$ Utilities, Tel, Fuel, Pwr, Lites. etc		100.20
Apr, All	Insurance		217.18
Apr, All	Medical		132.79
Apr, All	Business Services		20.56
Apr, All	Sub-Contract Labor	✓	314.47
Apr, All	Hired Labor, Taxable		None.
Apr, All	Taxes on Hired Labor		None.
Apr, All	Permits, Licenses, etc	✓	228.50
Apr, All	Electrical Supplies	✓	370.26
Apr, All	Other Supplies, Misc Supplies		126.73
Apr, All	Office Supplies, and Expenses		88.08
Apr, All	Gasoline, Oil, Road Exp. Misc,		185.10
Apr, All	On the Road expenses, other		257.06
Apr, 30.	Zions F. N. B., Cll, Pmt, (T to & Inc Date 2,200.)		200.00
Apr, All	Equipment Repairs		146.00
Apr, All	Taxes, Fed, State, etc		98.38
	Disbursements Total		\$ 2,765.93

## MEMO'S - RECAPS:

Month of April, 84.

April 1984 Cash Receipts (does not include Loan)	\$ 1,255.60
April 1984 Cash Disbursements	\$ 2,765.93
Beginning Balance, April 1, 1984	Negative (\$10,709.73)
Ending Balance, April 30, 1984.	Negative (\$12,220.06)
Loans, Bal. Prev. fm Isabelle H. Freebairn	\$10,709.73
Loan, fm Isabelle H. Freebairn, to Balance this month	\$1,510.33
Total Loans owing Isabelle H. Freebairn ending Apr30,84.	\$12,220.06

Exhibit A Memos

continued on (Pg 2 of 2.)

## EXHIBIT A. (Pg 1 of 3)

Chapter 11.

June 20, 1984.

Financial Report for the period Ending May 31, 1984.

Actual Beginning Balance.....NEGATIVE.(\$ 12,220.06)

1984.

## RECEIPTS:

May 30, 84	Schmidt Offices, Finish extra Paid in Full	✓	49.00
May 24, 84.	State Insurance Fund, Sick Pay, Ind. Accident	✓	642.86
Receipts Total			<u>691.86</u>
T \$ 691.86			

## DISBURSEMENTS:

1984.

May All	1/3 Rent, Storage, Etc.	255.62
May All	1/3 Utilities, Tel, Fuel, Power, Lites, etc.	78.52
May All	Insurance.	167.23
May All	Medical.	296.53
May All	Business Services.	109.00
May All	Sub Contract Labor	None
May All	Hired Labor, Taxable	None
May All	Taxes on Hired Labor	None
May All	Permits, Licenses, etc.	None
May All	Electrical Supplies, (owing fm previous)	✓ 442.96
May All	Other Supplies, Misc Supplies	79.82
May All	Office Misc & Supplies	None
May All	Gasoline, Oil, Road Expenses	65.18
May All	On the Road Expenses, other: prev, not prev paid,	191.24
May All	PAYMENT: Zions F. N. B. Cll Payment T \$2,400.00	200.00
May All	Equipment Repairs, some prev.	481.06
May All	Taxes, All on record	222.78

Disbursements Total.....\$ 2,814.94

## MEMO'S - RECAPS

Month of May, 1984.

May 84 Cash Receipts	691.86
May 84 Cash Disbursements	2,814.94
Bg'g Bal May 1, 84	Negative(\$ 12,220.06)
Eng'g Bal May 31, 84	Negative(\$ 14,343.14)
Loans, Bal Prev fm Isabelle H. Freebairn	\$ 12,220.06
Loan, fm Isabelle H. Freebairn, to Balance this month	✓ \$ 2,123.08
Total Loans owing Isabelle H. Freebairn, ending May 31, 84.	\$ 14,343.14

EXHIBIT A memo's  
continued on Pages 2 & 3 of 3.

EXHIBIT A. (Pg 1 of 3)

Charter 11.

Financial Report for the period Ending June 30, 1984  
Actual Beginning Balance.....Negative

RECEIPTS:

June 5, 84.	A. G. Body	<del>4</del>	350.00
June 9, 84.	Valco Sales	<del>4</del>	500.00
June 11, 84.	A.G. Body	<del>4</del>	340.36
June 15, 84.	Valco Sales	<del>4</del>	1,000.00
June 28, 84.	Valco Sales	<del>4</del>	535.00

Receipts Total \$ 3,074.36

DISBURSEMENTS:

73425.36

1984.

June, All.	1/2 Rent, Storage, etc.		255.62
June, All.	1/2 Utilities, Tel, Fuel, Power, Lites, etc		104.13
June, All.	Insurance		377.81
June, All.	Medical		52.98
June, All.	Business Services		None.
June, All.	Sub-Contract Labor.	<del>4</del>	955.00
June, All.	Hired Labor, Taxable.		None.
June, All.	Taxes on Hired Labor		None.
June, All.	Permits, Licenses, etc.	<del>4</del>	2.00
June, All.	Electrical Supplies	<del>4</del>	400.34
June, All.	Other Supplies	<del>4</del>	73.90
June, All.	Office Misc & Supplies		None.
June, All.	Gasoline, Oil, Road Expenses		129.87
June, All.	On the Road Expenses		79.03
June 29, 84.	PAYMENT Cl1, Zions F. N. B.		200.00
June, All.	Equipment Repairs, etc.		161.56
June, All.	Taxes, on record.	<del>4</del>	49.00

Disbursements Total \$ 2,901.24

MEMO'S - Recaps  
Month of June, 1984.

June 84 Cash Receipts	\$	3,074.36
June 84 Cash Disbursements	\$	2,901.34
Beginning Bal, June 1, 84.	Negative (\$	14,343.14 )
Ending Bal, June 30, 84.	Negative (\$	14,170.02 )
Loans Bal previous fm Isabelle H. Freebairn	\$	14,343.14
Payment to Isabelle H. Freebairn, this month	<del>4</del>	173.12
Total Loans Owning Isabelle H. Freebairn June 30, 84.	<del>4</del>	14,170.02

EXHIBIT A. Memos  
(continued on Pages 2 & 3 of 3.)

## EXHIBIT A (Pg 1 of 2)

Chapter 11

August 14, 1984

Financial Report for the period Ending July 31, 1984.

Actual Beginning Balance-----NEGATIVE (\$ 14,170.02)

## RECEIPTS:

July 3, 84	Valco, extras	✓	250.00
" "	Boyer, Air Conditioning	✓	100.00
July 9, 84	A. G. Body, Air Conditioning	✓	218.78
July 13, 84	State Insurance Fund, Ins Yrly Rebate		128.09
July 27, 84.	Disability Case #onfile Monthly Payment.		2,371.43
July 31, 84.	Brickyard Associates	✓	2,425.00
July 31, 84.	Loan from Isabelle H. Freebairn to Bal	✓	125.08

Total Receipts, inc loan \$6,218.38

## DISBURSEMENTS:

T 2993.2

1984 July			
July, All.	$\frac{1}{2}$ Rent, Storage, All		305.62
July, All	$\frac{1}{2}$ Utilities, Tel, Fuel, Power, Lites, etc		125.08
July, All	Insurance		579.25
July, All	Medical		184.98
July, All	Business Services		169.95
July, All	Sub-Contract Labor	✓	3,067.00
July, All	Hired Labor, Taxable		None.
July, All	Taxes on Hired Labor		None.
July, All	Permits, Licenses, etc	✓	18.00
July, All	Electrical Supplies	✓	966.43
July, All	Other Supplies	✓	18.45
July, All	Office & Misc Supplies		122.44
July, All	Gasoline, Oil, Road Expenses		284.78
July, All	On the Road Expenses		284.55
July, All	Payment Cl1, Zions F. N. B.		200.00
July, All	Equipment Repairs		36.93
July, All	Taxes, on record.	✓	80.00

Total Disbursements: \$6,218.38

Memos, Recaps, etc

Month of July 84.

July 1984 Cash Receipts, incl sick pay fm State Ins Fund	\$5,993.30	✓
July 1984 Disbursements:	6,218.38	✓
Beginning Bal July 1, 1984.	NEGATIVE (\$14,170.02)	
Ending Balance July 31, 1984.	NEGATIVE (\$14,295.10)	
Loan Balance Prev. fm Isabelle H. Freebairn	\$14,170.02	
Loan this month fm Isabelle H. Freebairn, to Bal	125.08	✓
Total Loans Owng Isabelle H. Freebairn, July 31, 84.	\$14,295.10	

Memo's continued on Page 2 of 2

Chapter 11.

Financial Report for the period Ending August 31, 1984.

Actual Beginning Balance-----Negative (

RECEIPTS:

Aug 13, 84	Prestwich Pallet Co.	Previous Work	✓ 150.00
Aug 20, 84	State Insurance Fund, disability pay #3. State Disability Claim # 84-10342-A1. partial payment for month.		900.00
Sub-Total			\$ 1,050.00
Aug 31, 84.	Loan to Balance, fm Isabelle H. Freebairn		\$ 1,041.89
Total Receipts			\$ 2,091.89

DISBURSEMENTS:

T 120.00

1984 August.

Aug, All $\frac{1}{2}$ Rent, Storage, All.	255.62
Aug, All $\frac{1}{2}$ Utilities, Tel, Fuel, Power, Lites, etc	163.89
Aug, All Insurance 2.	167.22
Aug, All Medical	60.13
Aug, All Business Services	None.
Aug, All Sub-Contract Labor	None.
Aug, All Hired Labor, Taxable	None.
Aug, All Taxes on Hired Labor	None.
Aug, All Permits, Licenses	None.
Aug, All Electrical Supplies, Previous months bal.	✓ 1,062.16 Prev
Aug, All Other Supplies	None.
Aug, All Office & Misc Supplies	21.22
Aug, All Gasoline, Oil, misc supplies.	66.79
Aug, All On the Road Expenses	63.94
Aug, All Payment Clk, Zions F. N. B.	200.00
Aug, All Equipment Repairs	30.92
Aug, All Taxes on Record	None.

Total Disbursements \$ 2,091.89

MEMO'S, RECAPS, ETC

Month of Aug, 1984.

August 1984 Cash Receipts, Incl Disab'y pay fm State Ins F.	
Includes Loan fm Isabelle H. Freebairn to Bal	\$ 2,091.3
August 1984 Cash Disbursements.	\$ 2,091.3
Beginning Bal, Aug 1, 1984	negative ( 314,295.10
Ending Balance Aug 31, 1984.	negative ( 315,336.99
Loan Bal Previous fm Isabelle H. Freebairn	314,295.10
Loan, this month, fm Isabelle H. Freebairn, to Bal.	✓ \$ 1,041.89
Total Loans owing Isabelle H. Freebairn, Aug 31, 1984	\$ 15,336.99

Memo's continued on Pg 2 of 2.

Financial Report for the period ending September 30,

1984.

Sept 6, Prestvich Ballet Co, old bal	130.00
Sept 11, Valco Sales #2, Depos	500.00
Sept 14, Boyer Audio, Bay Depos	450.00
Sept 21, National Home Life, Insurance Rebate	30.00
Sept 24, National Home Life, Insurance Rebate	7.00
Sept 27, Boyer Audio, Bal in full	801.55

Total Receipts 1,923.55

DISBURSEMENTS:

1881.85

1984.

Sept All $\frac{1}{2}$ Rent, Storage, Misc	253.62
Sept All $\frac{1}{2}$ Utilities, Tel, Fuel, Power, Lites, etc	105.18
Sept All Insurance.	210.58
Sept All Medical	100.00
Sept All Business Services	15.00
Sept All Sub-Contract Labor	76.00
Sept All Hired Labor, Taxable	None.
Sept All Taxes on Hired Labor	None.
Sept All Permits, Licenses.	None.
Sept All Electrical Supplies.	190.31
Sept All Other Supplies	None.
Sept All Office & Misc Supplies	None.
Sept All Gasoline, Oil, Misc	71.11
Sept All On the Road Expenses	132.59
Sept All Payment Clk, Zions F. N. B.	200.00
Sept All Equipment Repairs	109.91
Sept All Taxes on Record	None.

Total Disbursements 1,560.59

MEMO'S, RECAPS, ETC.  
Month of September 1984.

September 1984. Cash Receipts \$ 1,923.55

(No disability pay from State Insurance Fund  
Case # 84-10342-A1 ) This month

September 1984. Cash Disbursements: \$ 1,560.59

Beginning Balance September 1, 1984. Negative (\$ 15,336.99 )

Ending Balance September 30, 1984 Negative (\$ 14,973.72 )

Previous Loan Balance fm Isabelle H. Freebairn \$ 15,336.99

Payment this month to Isabelle H. Freebairn on Loan + \$ 363.27

Total Loans owing Isabelle H. Freebairn Sept 30, 84. \$ 14,973.72

(No interest calculated on this loan)

MEMO'S CONTINUED ON Pg 2 of 2.

Chapter 11, November 15, 1984.  
 Financial Report for the period Ending October 31, 1984.  
 Actual Beginning Balance-----Negative (\$14,973.72 )

#### Receipts:

1984			
Oct 10,	Prestwich Pallett Company	4	450.00
Oct 16,	Advanced Body & Paint Co.	4	400.00
Oct 29,	Marvin A. Jensen Company	4	200.00
Oct 13,	Advanced Body & Paint Co.	4	750.00

Total Receipts \$ 1,800.00

T 1800.00

1984.	Disbursements:		
Oct All $\frac{1}{2}$ Rent, Storage, Misc			253.62
Oct All $\frac{1}{2}$ Utilities, Tel, Fuel, Power, Lites, etc			109.99
Oct All Insurance.			211.44
Oct All Medical			185.25
Oct All Business Services			11.30
Oct All Sub-Contract Labor	4		75.00
Oct All Hired Labor, taxable			None.
Oct All Taxes on Hired Labor			None.
Oct All Permits, Licenses			21.31
Oct All Electrical Supplies	4		920.69
Oct All Other Supplies	4		19.30
Oct All Office and Misc Supplies			None.
Oct All Gasoline, Oil, & Misc.			25.46
Oct All On the Road Expenses			54.86
Oct All Payment Clk, Zions F. N. Bunk			200.00
Oct All Equipment Repairs			9.68
Oct All Taxes on Record			None.
Oct All Withdrawals, Kent H. Freebairn			None.
Oct All Withdrawals, Owen G. Freebairn.			None.

Total Disbursements \$ 2,110.50

MEMO'S, RECAPS, ETC.  
 Month of October, 1984.

October 1984 Cash Receipts	\$ 1,800.00
No Disability Pay from State Insurance Fund	
Case # 84-10342-A1, Unable to work.	
October 1984 Cash Disbursements	\$ 2,110.50
Beginning Balance October 1, 1984	negative (\$14,973.72)
Ending Balance October 31, 1984	negative (\$15,284.22)
Loan Bal Prev fm Isabelle H. Freebairn	14,973.72
Loan this Month to balance, " " "	310.50
Total Loans Owng Isabelle H. Freebairn Oct 31, 84.	15,284.22

#### Notation:

Due to Industrial Accident of April 27, 1984, my capacity to work has been limited. I'm lucky to have an income of 1800.00 from sub-contract electrical work. A small LOSS shows this month.

Continued on Page 2 of 2.

Chapter 11, December 13, 1985  
 Financial Report for the period Ending November 30, 1984.  
 Actual Beginning Balance ----- Negative (\$ 15,284.22)

1984. Receipts:

Nov.14	Maryland Casualty. Theft Claim.	1,222.19
Nov 6	A. G. Body, booth	500.00
Nov 6	Schmidt Signs, Inc. comp 3.	289.25
Nov 14	A. G. Body, #2	500.00
Nov 26	Al Smith, misc materials only, no labor performed. ✓	209.82
Nov 21	A. G. Body, Bal in full, booth	690.50

Total Receipts \$3,611.76

1984. Disbursements:

\$ 2388.15

Nov All	1/3 Rent, Storage, Misc.	255.62
Nov All	Utilities, Tel, Fuel, Power, Lites, etc	236.56
Nov All	Insurance	270.53
Nov All	Medical	181.74
Nov All	Business Services	37.77
Nov All	Sub-Contract Labor	✓ 448.00
Nov All	Hired Labor, Taxable	None.
Nov All	Taxes on Hired Labor	None.
Nov All	Permits, Licenses.	None..
Nov All	Electrical Supplies.	✓ 959.51
Nov All	Other Supplies	34.73
Nov All	Office & Misc Supplies	10.09
Nov All	Gasoline, Oil, & Misc.	178.00
Nov All	On the Road Expenses.	92.09
Nov All	Payment Cl1 to Zions F. N. Bank	200.00
Nov All	Equipment Repairs	63.25
Nov All	Taxes on Record	53.50
Nov All	Withdrawals, Kent H. Freebairn	None.
Nov All	Withdrawals, Owen G. Freebairn	None.

Total Disbursements \$ 3,376.44

MEMO'S, RECAPS, ETC.

Month of November 1984.....

Nov 84 Cash Receipts	3,611.76
No Disability Pay from State Insurance Fund, this month.	
Case # 84-10342-A1, still pending, no response this month.	
Nov 84 Cash Disbursements	3,376.44
Beginning Balance Nov 1, 1984.	Negative. (\$15,284.22)
Ending Balance Nov 30, 1984.	Negative. (\$15,519.54)
Loan Bal Prev fm Isabelle H. Freebairn	\$15,284.23
Loan this month to Balance, fm " " "	235.32
Total Loans Cwing Isabelle H. Freebairn, Nov 30, 84. - ✓	\$15,519.54

Notation:

Due to Industrial Accident of April 27, 84, my capacity to work has been limited. I'm very fortunate to have Insurance and misc work to produce an income of \$3,611.76 for this month. Very fortunate.



Chapter 11, January 2, 1985.  
 Financial Report for the period Ending December 31, 1984  
 Actual beginning balance -----Negative (\$15,519.54

1984.

RECEIPTS:

Dec 14	Boyer Audio, new	#1	✓	500.00
Dec 18	Boyer Audio, new	#2	✓	500.00
Dec 24	Doyles Car Care Center	#1	✓	200.00
Dec 27	Wescom X			629.84
Dec 28	Boyer Audio, new bal in full	#3	✓	500.00
Dec 31	Dovles Car Care Center, bal in full	#2	✓	200.00

Total Receipts \$ 2,529.84

1984

DISBURSEMENTS:

T 2529.99

Dec All	1/2 Rent, Storage, Misc		213.62
Dec All	3/4 Utilities, Tel, Fuel, Power, Lites, etc		15.37
Dec All	Insurance		92.75
Dec All	1/2 Medical. 1/2		21.00
Dec All	Business Services		11.05
Dec All	Sub- Contract Labot	✓	286.75
Dec All	Hired Labor, Taxable		None.
Dec All	Taxes on Hired Labor		None.
Dec All	Permits, Licenses		None.
Dec All	Electrical Supplies	✓	610.43
Dec All	Other Supplies	✓	52.00
Dec All	Office & Misc supplies		None.
Dec All	Gasoline, Oil, & Misc		101.00
Dec All	On the Road Expenses		153.55
Dec All	Payment Cl1 to Zions F. N. B.		200.00
Dec All	Equipment Repairs		13.05
Dec All	Taxes on Record		None.
Dec All	Withdrawals, Kent H. Freebairn		None.
Dec All	Withdrawals, Owen G. Freebairn.	✓	None.

Total Disbursements 2,529.99

Memo's, Recap's, etc.

Dec 24	Cash Receipts		2,529.84
Dec 24	Cash Disbursements		(2,529.99)
Byg Bal Dec 1, 84.	Negative	(15,519.54)	
This Bal Dec 31, 84	Negative	(15,519.54)	
Loan Bal Prev fm Isabelle H. Freebairn		15,519.54	
Loan this month to Palace, fm Isabelle H. Freebairn	✓	15,519.54	
Total Loans Owng Isabelle H. Freebairn Dec 31, 84		15,519.54	

continued on Pg 2 of 2.

## Chapter 11.

February 1, 1985.

Ending January 31, 1985.  
Negative (\$15,665.14)

Jan 21, 85	GUSCO, S. L. C. Ut	250.00
Jan 28, 85.	GUSCO, S. L. C. Ut.	700.00
Jan 31, 85.	Independent V. W. Service. Provo, Ut	500.00
	Total	1,450.00

## DISBURSEMENTS:

T/450.00

Jan All.	1/2 Rent, Storage, Misc	320.61
Jan All.	1/2 Utilities, Tel, Fuel, Power, Lites, etc.	100.85
Jan All	Insurance, annual liabilities,	480.93
Jan All	Medical 1/2	83.57
Jan All	Business Services	21.24
Jan All	Sub-Contract Labor	230.00
Jan All	Hired Labor, Taxable	None.
Jan All	Taxes on Hired Labor	None.
Jan All	Permits, Licenses.	None.
Jan All	Electrical Supplies	460.12
Jan All	Other Supplies	None.
Jan All	Office & Misc Supplies	None.
Jan All	Gasoline, Oil, & Misc.	124.40
Jan All	On the Road Expenses	107.32
Jan All	Payment Cl1 to Zions F. N. B.	200.00
Jan All	Equipment Repairs	None.
Jan All	Taxes on Record, current	None.
Jan All	Interest payment	4.55
Jan All	Withdrawals,	None.

Disbursements. Total.....\$2,138.64

## Memo's, Recaps, Etc.:

Jan 85 Cash Receipts:	\$	1,450.00
Jan 85 Cash Disbursements:	\$	2,138.64
Beginning Bal Jan 1, 85.	Negative.	( \$ 15,665.14 )
Ending Balance Jan 31, 1985	Negative.	( \$ 16,353.64 )
Loan Owing Isabelle H. Freebairn, Jan 1, 85	\$	15,810.74
Loan, this month to Bal fm Isabelle H. Freebairn -	\$	688.50
Total on Loans, owing Isabelle H. Freebairn 1-31-85	\$	16,499.24

continued on Page 2 of 2.

06F \$ 759.88

Chapter 11.

March 5, 1985.

Financial Report for the period Ending February 28, 1985.

Actual Beginning Balance----- Negative ( \$ 16,353.64

# RECEIPTS:

Feb 14, 85.	Airport Terminal Gifts, Inc.	✓	50.00
Feb 14, 85	Thiede Construction Co, Inc.	✓	100.00
Feb 18, 85.	Heat Assistance Program-		223.00
Feb 20, 85	Maryland Casualty, Theft Claim Payment	✓	4,428.28
Receipts Total			<u>\$ 4,870.28</u>

# DISBURSEMENTS:

Date.			
Feb All	1/3 Rent, Storage, Misc		388.11
Feb All	1/3 Utilities, Tel, Fuel, Power, Lites, etc.		174.96
Feb All	Insurance		297.42
Feb All	Medical		397.62
Feb All	Business Services		55.85
Feb All	Sub-Contract Labor	✓	278.00
Feb All	Hired Labor, Taxable		None.
Feb All	Taxes on Hired Labor		None.
Feb All	Permits, Licenses		70.00
Feb All	Electrical Supplies	✓	461.02
Feb All	Other Supplies		None.
Feb All	Office & Misc Supplies		22.00
Feb All	Gasoline, Oil, & Misc		107.49
Feb All	On the Road Expenses		139.83
Feb All	Payment Clt to Zions F. N. B.		200.00
Feb All	Equipment Repairs		176.85
Feb All	Taxes on Record, current		364.30
Feb All	Interest		6.80
Feb All	Withdrawals,		None.
Disbursements Total			<u>\$ 3,140.25</u>

# MEMO'S, RECAPS, ETC

Feb 85 Cash Receipts.....	\$ 4,870.28
Feb 85 Cash Disbursements.....	\$ 3,140.25
Beginning Balance Feb 1, 85.....	Negative ( \$16,353.64 )
Ending Balance Feb 28, 1985.....	Negative ( \$14,623.61 )
Prev Loan Bal owing Isabelle H. Freebairn	\$16,499.24
Paid this Month to Isabelle H. Freebairn on Loans	\$ 1,730.03
Bal Loans owing Isabelle H. Freebairn as of Feb 28, 85	\$14,769.21

continued on Page 2 of 2

CF \$ -589.02

MCas \$ 4463.28

Ann L. Freebairn 3-5-85,

EXHIBIT A (pg 1 of 2)

Chapter 11.

April 15, 1985.

Financial report for the period Ending March 31, 1985.

Actual Beginning Balance.....Negative (\$14,623.61)

Receipts:

None. Note:

Unable to work this month, account Mrs. Isabelle H. Freebairn, critically ill with Parkinson's after aprox 8 years with the illness. Her condition is so critical as to put her in a life & death struggle for her life. This situation has made it impossible for me to leave home to work. However, I did contract one job for next month's work which will show up on next month's report.

NONE

CGF.

Total Receipts

None.

Loans from Isabelle H. Freebairn this month to Balance \$3,136.57

DISBURSEMENTS:

Mar All $\frac{1}{2}$ Rent Storage, Misc	325.62
Mar All $\frac{1}{2}$ Util, Tel, Fuel, Power, Lites, etc.	95.73
Mar All Insurance.	437.30
Mar all Medical	573.02
Mar All Business Services	188.30
Sub Contract Labor	330.00
Mar All Hired Labor, Taxable	None.
Mar All Taxes on Hired Labor	None.
Mar All Permits, Licenses	None.
Mar All Electrical Supplies	777.26
Mar All Other Supplies	66.53
Mar All Office, & Misc Supplies	None.
Mar All Gasoline, Oil & Misc	40.30
Mar All On the Road Expenses	None.
Mar All Payment Clt to Zions F. N. B.	200.00
Mar All Equipment Repairs	90.26
Mar All Taxes on Record, Current	31.00
Mar All Interest	None.
Mar All Withdrawals	None.

Disbursements Total

\$ 3,136.57

MEMO'S, RECAPS, ETC.

March 85 Cash Receipts.....	None.
March 85 Cash Disbursements.....	\$ 3,136.57
Beginning Balance March 1, 85.....	Neg(\$14,623.61)
Ending Balance March 31, 85.....	Neg(\$17,760.11)
Prev Loan Bal owing Isabelle H. Freebairn	\$14,769.21
Loans this month from Isabelle H. Freebairn to Balance	\$ 3,136.57
Total Loans owing Isabelle H. Freebairn	\$17,905.78

cont on pg 2 of 2.

CGF, \$ - 1107.26

## EXHIBIT A (Pg 1 of 2)

Chapter 11.

May 6, 1985.

Financial report for the period Ending April 30, 1985

Actual Beginning Balance.....Negative ( \$ 17,906.01

## RECEIPTS:

1985.

Apr 10	Boyer Audio, Provo Ut.	1,169.95
Apr 25	Cascade Development S.L.C.Ut.	2,000.00
Apr 29	Gusco, S.L.C. Ut Phase 2.	300.00
Apr 30	Gusco, S.L.C. Ut.Phase 2, Bal	300.00
		<u>\$ 3,769.95</u>

T 2769.95

## DISBURSEMENTS:

1985.

Apr All	1/2 Rent, Storage, Misc.	410.45
Apr All	1/2 Util, Tel, Fuel, Power, Lites, etc.	229.50
Apr All	Insurance.	161.31
Apr All	Medical	560.96
Apr All	Business Services	70.00
Apr All	Sub-Contract Services	1,471.00
Apr All	Hired Labor - Taxable	None.
Apr All	Taxes on Hired Labor	None.
Apr All	Permits, Licenses	None.
Apr All	Electrical Supplies	344.67
Apr All	Other Supplies.	None.
Apr All	Office & Misc Supplies.	None.
Apr All	Gasoline, Oil, & Misc.	132.88
Apr All	On the Road Expenses .	43.45
Apr All	Payment to Cll. Zions F. N. Bank on Equ.	200.00
Apr All	Interest Payments.	119.25
Apr All	Equipment Repairs.	282.15
Apr All	Taxes on Record, Current.	None.
Apr All	Withdrawals.	None.

Disbursements, Total \$ 4,105.57

## MEMO'S, RECAPS, ETC.

Apr 85 Cash Receipts.	3,769.95
Apr 85 Cash Disbursements.	4,105.57
Bgg Bal April 1, 1985.	negative (\$17,906.01 )
Ending Bal April 30, 85.	negative (\$18,241.63 )
Prev Loan Bal Owing Isabelle H. Freebairn Mar 31,85.	\$17,906.01
Loan this Month to Balance fm Isabelle H. Freebairn	335.62
Total Loans owing Isabelle H. Freebairn Apr 30,85.	\$18,241.63

Remarks: see Pg 2, of 2.

CEF # 1954.22

Chapter 11.

June 15, 1985

Financial Report for the period ending May 31, 1985.

Actual Beginning Balance.....Negative ( \$ 18,241.6

RECEIPTS:

May 7 85. Boyer Audio. Provo.	✓	50.0
May 16,85. Schmidt Signs, S.L.C.	✓	215.0
May 13,85. Medicare payment, for Isabelle H. Freebairn-Claim		50.0
May 17,85. Independent V. W. Svc, Provo.	✓	-2,22.0
Receipts Total		345.0

DISBURSEMENTS:

May All. $\frac{1}{2}$ Rent, Storage, Misc.		263.1
May All. $\frac{1}{2}$ Utilities, Tel, Fuel, Pwr, Lites.		381.1
May All. Insurance.		80.5
May All. Medical $\frac{1}{2}$ only,		445.5
May All. Business Services.		131.5
May All. Sub Contract Labor.	✓	315.5
May All. Hired Labor - Taxable		None
May All. Taxes on Hired Labor.		None
May All. Permits, Licenses.	✓	93.33
May All. Electrical Supplies	✓	560.9
May All. Other Supplies	✓	76.6
May All. Office & Misc Supplies.		None
May All. Gasoline, Oil, & Misc.		75.5
May All. On the Road Expenses.		95.7
May All. Payment to Clt, Zions F. N. B.		200.0
May All. Interest Payments.		23.3
May All. Equipment Repairs.		66.0
May All. Taxes on Record, Current.		18.8
May All. Withdrawals.		None.

WITHDRAWALS TOTAL \$ 2,828.9

Memo's, recaps, etc.

May 85 Cash Receipts.....	\$	345.0
May 85 Cash Disbursements.....	\$	2,828.9
Bgg Bal May 1, 85.....	Neg(\$	18,241.6
Endg Bal May 31,85.....	Neg(\$	20,725.5
Frev Loan Bal owing Isabelle H. Freebairn Apr 30,85.....	\$	18,241.6
Loan this Month to Balance, fm Isabelle H. Freebairn.....	\$	2,483.9
Total Loans owing Isabelle H. Freebairn, May 31, 1985.....	\$	20,725.5

Remarks: see Pg 2 of 2.

by *Isabelle H. Freebairn*

Adm' r-31

CCF \$ Neg 75

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

In re )  
FREEBAIRN ELECTRIC & CONSTRUCTION )  
COMPANY, INC. ) Bankruptcy Case No. 83-C-00296

CHAPTER 11 MONTHLY FINANCIAL REPORT

For the Period Ending June 30, 1985.

A. STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

Beginning Balance June 1, 85. neg ( \$ 20,725.59 )

Receipts:

(Give particulars, including each source, and amount received therefrom)

June 4, 85. A. G. Body, Inc. S.L.C.....	\$ 250.00	if
June 24, 85. Independent V. W. Service. Provo.....	\$ 300.00	if
June 28, 85. R & E Repairs. S. L. C.....	\$ 150.00	if
(Part Time) Receipts Total	<u>\$ 700.00</u>	if

T. \$ 700.00

Total Receipts: \$ 700.00

Chapter 11 Monthly Financial Report  
Page Two

Disbursements:

(Specify persons or businesses receiving payment and amounts paid)

<u>DATE</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
May 85 All.	1/2 Rent, Storage, Misc.		263.12
May 85 All.	1/2 Utilities, Tel, Fuel, Power, Lites.		179.22
May 85 All.	Insurance.		20.91
May 85 All.	Medical, 1/2 only		367.31
May 85 All.	Business Services		339.42
May 85 All.	Sub-Contract Labor, 1/2 shop work	✓	243.50
May 85 All.	Hired Labor - Taxable		None.
May 85 All.	Taxes on Hired Labor.		None.
May 85 All.	Permits, Licenses.	✓	163.00
May 85 All.	Electrical Supplies.	✓	350.00
May 85 All.	Other Supplies.	—	None.
May 85 All.	Office & Misc. Supplies.		22.61
May 85 All.	Gasoline, Oil, & Misc.		30.38
May 85 All.	On the Road Expenses.		12.20
May 85 All.	Payment to Clt, Zions F. N. B.		200.00
May 85 All.	Interest Payments.		None.
May 85 All.	Equipment Repairs.		None..
May 85 All.	Taxes on Record, Current.		26.28
May 85 All.	Withdrawals.	—	None.
Disbursements Total			\$ 2,218.07

Total Disbursements \$ 2,218.07

Ending Balance: neg... Loss < \$ 1,518.07 >

B. TRANSFERS OF PROPERTY

(Give description of property and to whom transferred or how disposed of)

None.

1985 June RECAPS:

June 85 Cash Receipts.....	\$ 700.00
June 85 Cash Disbursements.....	\$ 2,218.07
Beginning Balance June 1, 1985.....	neg (\$20,725.59)
Ending Balance June 30, 1985.....	neg (\$22,243.66)
Prev. Loan Balance owing Isabelle H. Freebairn 5-31	\$20,725.59
This month's Loan fm Isabelle H. Freebairn to Bal. —	\$ 1,518.07 ✓
Total Loan Balance owing Isabelle H. Freebairn 6-30	\$22,243.66

→ CF \$ Neg 56.50



IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

-----  
In re )  
FREEBAIRN ELECTRIC & CONSTRUCTION )  
COMPANY, INC. ) Bankruptcy Case No. 83-C-00296.  
 )  
 )  
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CHAPTER 11 MONTHLY FINANCIAL REPORT

For the Period Ending July 31, 1985.

A. STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

Beginning Balance Negative ( \$ 22,243.66 )

Receipts:

(Give particulars, including each source, and amount received therefrom)

July 2, 1985. Valco Sales, Jack Greenhalgh S.L.C.	✓ 416.75
July 17, 1985. Premium Refund, State Ins. Fund.	50.22 ✓
July 19, 1985. R. & E. Repairs, S.L.C.	✓ 125.00
July 29, 1985. Zephyr Electric, Inc. R.S. <del>Wyo.</del>	✓ 700.00

(Part Time) Receipts Total

\$ 1,291.97

T. # 1241.75

(Part Time)

Total Receipts:

\$ 1,291.97

Chapter 11 Monthly Financial Report  
Page Two

Disbursements:

(Specify persons or businesses receiving payment and amounts paid)

<u>DATE</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
July 85 All	1/2 Rent, Storage, Misc.		252.12
July 85 All	1/2 Utilities, Tel, Fuel, Power, Lites		179.22
July 85 All	1/2 Previous Phone Bill.		168.19
July 85 All	Insurance.		48.70
July 85 All	Medical, 1/2 only.		282.59
July 85 All	Business Services.		325.00
July 85 All	Sub-Contract Labor.	✓	401.50
July 85 All	Hired Labor - Taxable		None.
July 85 All	Taxes on Hired Labor.		None..
July 85 All	Permits, Licenses.	✓	50.00
July 85 All	Electrical Supplies	✓	49.78
July 85 All	Other Supplies	✓	151.00
July 85 All	Office & Misc Supplies		None.
July 85 All	Gasoline, Oil, & Misc.		43.50
July 85 All	On the Road Expenses.		26.37
July 85 All	Payment to Cl1, Zions F. N. B.		200.00
July 85 All	Interest Payments. 2		175.97
July 85 All	Previous Interest Payment.		167.50
July 85 All	Equipment Repairs.		55.00
July 85 All	Taxes on Record, current.		None.
July 85 All	Withdrawals.		None.

Disbursements Total \$ 2,756.19

Total Receipts. \$ 1,291.97

Ending Balance: Loss, Neg ( 1,464.22 )

B. TRANSFERS OF PROPERTY

(Give description of property and to whom transferred or how disposed of)

None.

1985 July Recaps:

July 85 Cash Receipts.....	\$ 1,291.97
July 85 Cash Disbursements.....	\$ 2,756.19
Beginning Balance July 1, 1985.....	(Negative)\$22,243.66 )
Ending Balance July 31, 1985.....	(Negative)\$23,707.88 )
Prev. Loan Balance owing Isabelle H. Freebairn 6-30	\$22,243.66
This Month's Loan fm Isabelle H. Freebairn to Bal.	\$ 1,464.22 - ✓
Total Loan Balance owing Isabelle H. Freebairn 7-31	\$23,707.88

86F # 639.61

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

-----  
In re )  
 )  
FREEBAIRN ELECTRIC & CONSTRUCTION ) Bankruptcy Case No. 83-C-00296.  
COMPANY, INC. )  
 )  
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CHAPTER 11 MONTHLY FINANCIAL REPORT

For the Period Ending AUGUST 31, 1985.

A. STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

Beginning Balance Negative ( \$ 23,707.88 )

Receipts:

(Give particulars, including each source, and amount received therefrom)

Aug 28 Independent V.W.Svc, Provo, Utah.  
1985.

✓ 500.00

T \$ 500.00

Mem@:

Wife Isabelle H. Freebairn in hospital 60 days,  
unable to work only misc part time. Critical  
condition, daily.

Part Time -

Total Receipts:

500.00

Chapter 11 Monthly Financial Report  
Page Two

Disbursements:

(Specify persons or businesses receiving payment and amounts paid)

<u>DATE</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Aug 85 All	1/2 Rent, Storage, Misc.		320.61
Aug 85 All	1/2 Utilities, Tel, Fuel, Power, Lites		95.11
Aug 85 All	Insurance		30.66
Aug 85 All	Medical, 1/2 only		183.93
Aug 85 All	Business Services		None
Aug 85 All	Sub-Contract Labor		86.00
Aug 85 All	Hired Labor - Taxable		None.
Aug 85 All	Taxes on Hired Labor		None.
Aug 85 All	Permits, Licenses		119.75
Aug 85 All	Electrical Supplies, Balance past due		445.57
Aug 85 All	Other Supplies		1.78
Aug 85 All	Office & Misc supplies		39.07
Aug 85 All	Gasoline, Oil, & Misc road repairs		154.72
Aug 85 All	On the road expenses.		67.29
Aug 85 All	Payment to Cll, Zions F. N. B.		200.00
Aug 85 All	Interest Payments		None.
Aug 85 All	Equipment repairs.		78.32
Aug 85 All	Taxes on Record, current		None.
Aug 85 All	Withdrawals		None.

Disbursements, Total \$ 1,827.81

Receipts \$ 500.00  
~~Total Disbursements~~

Ending Balance: Loss, Neg (\$ 1,327.81)

B. TRANSFERS OF PROPERTY

(Give description of property and to whom transferred or how disposed)  
None.

August 1985 RECAPS:

Aug 85 Cash Receipts.....	500.00
Aug 85 Cash Disbursements.....	1,827.81
Begg Bal Aug 1, 1985.....	Neg ( 23,707.88 )
Endg Bal Aug 31, 1985.....	Neg ( 25,035.69 )
Prev Loan Bal owing Isabelle H. Freebairn 7-31	23,707.88
This month's Loan fm Isabelle H. Freebairn to Bal.	1,327.88
Total Loan Bal owing Isabelle H. Freebairn.	25,035.69

CGF \$ 46.90

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

In re

FREEBAIRN ELECTRIC & CONSTRUCTION  
COMPANY, INC.

Bankruptcy Case No. 83-C-00296.

CHAPTER 11 MONTHLY FINANCIAL REPORT

For the Period Ending SEPTEMBER 30, 1985.

A. STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

Beginning Balance

Negative ( \$ 25,035.69 )

Receipts:

1985. (Give particulars, including each source, and amount received therefrom)

9-6	Independent V. W. Service, Provo	#1	✓	500.00
9-25	Independent V. W. Service, Provo	#2	✓	300.00
9-30	Independent V. W. Service, Provo	#3	✓	300.00

Receipts Total \$ 1,100.00

T. #1

Memo: Part Time. Parkinsons disease 7 yrs, critical now  
Wife Isabelle H. Freebairn/in Hospital and Care Centers  
last 60 Days. I have been unable to work only misc  
part time account her conditions are critical daily. She has  
had two hip operations since Aug 5, 85. We are up the walls  
trying to keep her from breaking her hip again.

*Allen L. Freebairn 10/1/85, Orem, UT*

Part Time.

Total Receipts: \$ 1,100.00

Chapter 11 Monthly Financial Report  
Page Two

Disbursements:

(Specify persons or businesses receiving payment and amounts paid)

<u>DATE</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Sept 85	All	1/2 Rent, Storage, Misc	263.11
Sept 85	All	1/2 Utilities, Tel, Fuel, Power, Lites	212.64
Sept 85	All	Insurance.	176.78
Sept 85	All	Medical, 1/2 ONLY	267.73
Sept 85	All	Business Services	164.89
Sept 85	All	Sub-Contract Labor	None.
Sept 85	All	Hired Labor - taxable	None.
Sept 85	All	Taxes on Hired Labor	None.
Sept 85	All	Permits, Licenses	10.00
Sept 85	All	Electrical Supplies	92.94
Sept 85	All	Other Supplies	4.27
Sept 85	All	Office & Misc Supplies	100.00
Sept 85	All	Gas, Oil, & Misc road repairs	31.84
Sept 85	All	On the road expenses	106.48
Sept 85	All	Payment to Cll, Zions F. N. B.	200.00
Sept 85	All	Interest payments	100.00
Sept 85	All	Equipment Repairs	354.01
Sept 85	All	Taxes on Record, current	None.
Sept 85	All	Withdrawals.	None.
Disbursements Total			\$ 2,084.69

Receipts  
~~XXXXXXXXXXXX~~  
Total Disbursements \$ 1,100.00

Ending Balance: This month Loss. \$ 984.69

B. TRANSFERS OF PROPERTY

(Give description of property and to whom transferred or how disposed of)  
None.

September 1985 RECAPS:

September 85 Cash Receipts.....	\$ 1,100.00
September 85 Cash Disbursements.....	\$ 2,084.69
Beginning Balance September 1, 1985. Negative	\$(25,035.69 )
Ending Balance September 30, 1985. Negative	\$(26,020.38 )
Prev Loan Bal. owing Isabelle H. Freebairn	\$ 25,035.69
This month's Loan to Balance fm Isabelle H "	\$ 984.69
Total Loan Bal owing Isabelle H. Freebairn.	\$ 26,020.38

DEF \$ 992.71

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH

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In re	)	
FREEBAIRN ELECTRIC &	)	Bankruptcy Case No. <u>83-C-00296</u> .
CONSTRUCTION COMPANY, INC.	)	
Debtor.	)	

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FINANCIAL REPORT

For the Period Ending MAY 31, 1984.

A. STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

Beginning Balance NEGATIVE ( \$12,220.06 )

Receipts:

(Give particulars, including each source, and amount received therefrom.)

see exhibit A.

As reported in April, I was involved in an Industrial Accident 3 cracked ribs, and was off work for 5½ weeks. Very little work done during the month of May. Total Receipts: \$ 691.86  
Screaming with pain, on dope most of the time.

Disbursements:

(Specify persons or businesses receiving payment and amounts paid.)

<u>Date</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
-------------	--------------	--------------------	---------------

see Exhibit A.

Disbursements:-  
*Disbursements:*

Total \$ 2,814.94

Ending Balance:

NEGATIVE

( \$ 14,343.14 )

FINANCIAL REPORT - PAGE 2

B. TRANSFERS OF PROPERTY

(Give description of property and to whom transferred or how disposed of.)

None.

C. WITHDRAWALS

(If individual proprietor, what personal withdrawals have you made during the period? If debtor is a partnership or corporation, what withdrawals in any form have been made by any member of the partnership or by any officer or stockholder of the corporation?)

None.

D. STATEMENT OF INCOME

1. Income from Operations

Misc Finish Work  
see Exhibit A.

\$ 49.00

2. Income Other than from Operations (Give particulars, including each source and amount received therefrom.)

(Including sick pay)  
see Exhibit A.

\$ 642.86

3. Total Income

\$ 691.86

4. Expenses (List expenses for the period.)

see Exhibit A.

\$ 2,814.94

5. Net Earnings see Exhibit A, Loss, Borrowed to Balance. \$ 2,123.08

E. STATEMENT OF ASSETS AND LIABILITIES

Assets

1. Cash

None.

2. Securities and Other Short Term Liquid Assets

None.



FINANCIAL REPORT - PAGE 3

3. Accounts Receivable Bass Res,  
Zwick, Inc. \_\_\_\_\_
4. Inventory - What is the amount in dollars?  
(State whether the inventory was taken at cost,  
market or otherwise.) on file, Misc \_\_\_\_\_
5. Other Current Assets \_\_\_\_\_
6. Long-Term Assets  
Include equipment, buildings and property. Give  
particulars on any long-term investment(s). \_\_\_\_\_

TOTAL ASSETS

Liabilities

1. Accounts Payable on File \_\_\_\_\_
2. Short-term Notes Payable  
(Give particulars, including each agreement  
and balance remaining) \_\_\_\_\_
3. Long-term Payables  
(Give particulars, including each agreement  
and balance remaining.) \_\_\_\_\_
4. Taxes Payable on File. Paid down  
\$15,000.00 April 84. \_\_\_\_\_
5. Other Liabilities (Identify)  
only what was listed  
on Chapt 11, less items  
which have been paid down.  
see submitted plan from  
David E. Leta's Office. \_\_\_\_\_

TOTAL LIABILITIES on file, see PLAN. \_\_\_\_\_

F. IS THE DEBTOR PRESENTLY CURRENT ON ALL WITHHOLDING  
PAYMENTS FOR POST-PETITION TAXES? Yes.

If answer is "no", identify taxing authorities and amount(s) due.

- G. IS THE DEBTOR CURRENT ON ALL POST-PETITION OBLIGATIONS OTHER THAN WITHHOLDING TAX? Yes.

If answer is "no", identify creditor(s) and amount(s) due.

- H. STATE THE NAME AND LOCATION OF EACH ENTITY HOLDING MONEY BELONGING TO THE ESTATE, ALONG WITH THE AMOUNT DEPOSITED OR INVESTED THEREIN.

Zwick Construction Company, Inc.  
2424 South 3270 West St.  
Salt Lake City, Utah. 84119.

Is each of the entities above-listed a proper depository for estate funds as per § 345 of the Bankruptcy Code?

If not, note exceptions:

- I. LIST ANY OTHER INFORMATION PERTAINING TO THE FINANCIAL CONDITION OF THE BUSINESS OF THE DEBTOR. ATTACH DOCUMENTATION, IF APPROPRIATE.

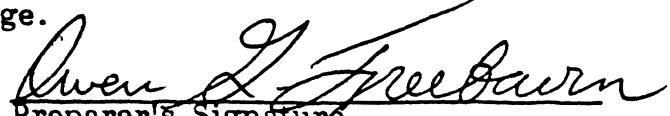
see Exhibit A. Page 2 of 2.

PREPARER'S CERTIFICATE

As preparer of the foregoing financial statement, I hereby certify under penalty of perjury that the information contained therein is truthful, complete and accurate to the best of my knowledge.

DATED June 20, 1984.

Report was prepared on June 10th 1984. Typewriter broke down & unable to get out until date, due to many extenuating circumstances.  
Very sorry. OGF.

  
Preparer's Signature

Owen G. Freebairn, Debton in Poss'n.  
Preparer's Name (printed)

Chapter 11.

June 20, 1984.

Financial Report for the period Ending May 31, 1984.

Actual Beginning Balance.....NEGATIVE.(\$ 12,220.06)

1984.

RECEIPTS:

May 30, 84	Schmidt Offices, Finish extra Paid in Full	49.00
May 24, 84.	State Insurance Fund, Sick Pay, Ind. Accident	642.86

Receipts Total \$ 691.86

DISBURSEMENTS:

1984.

May All	$\frac{1}{2}$ Rent, Storage, Etc.	255.62
May All	$\frac{1}{2}$ Utilities, Tel, Fuel, Power, Lites, etc.	78.52
May All	Insurance.	167.23
May All	Medical.	296.53
May All	Business Services.	109.00
May All	Sub Contract Labor	None
May All	Hired Labor, Taxable	None
May All	Taxes on Hired Labor	None
May All	Permits, Licenses, etc.	None
May All	Electrical Supplies,(owing fm previous)	442.96
May All	Other Supplies, Misc Supplies	79.82
May All	Office Misc & Supplies	None
May All	Gasoline, Oil, Road Expenses	65.18
May All	On the Road Expenses, other:prev, not prev paid,	191.24
May All	PAYMENT: Zions F. N. B. Cll Payment T \$2,400.00	200.00
May All	Equipment Repairs, some prev.	481.06
May All	Taxes, All on record	222.78

Disbursements Total.....\$ 2,814.94

MEMO'S - RECAPS

Month of May, 1984.

May 84 Cash Receipts	691.86
May 84 Cash Disbursements	2,814.94
Bg'g Bal May 1, 84	Negative(\$ 12,220.06)
Eng'g Bal May 31, 84	Negative(\$ 14,343.14)
Loans,Bal Prev fm Isabelle H. Freebairn	\$ 12,220.06
Loan, fm Isabelle H. Freebairn, to Balance this month	\$ 2,123.08
Total Loans owing Isabelle H. Freebairn, ending May 31, 84.	\$ 14,343.14

EXHIBIT A memo's  
continued on Pages 2 & 3 of 3.

In regards to my Industrial Accident from last month:ie:  
I did not know the pain involved, and the drug related medication involved, and I was not aware it would take 5 to 6 weeks to be relieved of the pain and get back to work. I put in for 11 days only of financial help from State Insurance Fund, and let it go at that. I had only \$49.00 of Income from Elect Work. This month of May 84 was a total Loss for me.

Zwick Construction Company's Wilshire condominium is still not concluded, mainly because the owners are unable to sell all of the units, and are consequently holding up as much of the finish as possible, in an attempt to get the finish work done for next to nothing, etc. We have had no payments from this job. We are trying to force a conclusion to this project, in the next month or so. The misc income from this project has been reported on previous month's financial statements.

As stated last month, our attorney Mr. David E. Leta has filed a Plan of Reorganization, as of April 16, 1984. Refer to the Plan. Attached is a detailed list, PERFORMA STATEMENT OF ZEPHYR ELECTRIC, WHO IS BUYING THE ASSETS OF Freebairn Electric & Construction Company, Inc, indicating their ability to pay out the Plan.

My comments for this month. I remain respectfully,



---

Owen G. Freebairn,  
Debtor in Possession.

OGF/OGF  
copy David E. Leta, att'y.

(EXHIBIT "C" from the PLAN.)

Freebairn Electric &  
Construction Company, Inc.  
83-C-00296.

June 13, 1984.

PROFORMA STATEMENT OF  
ZEPHYR ELECTRIC, INC.

The following List of Jobs are Under Contract, Letters of Intent, and Under Construction by ZEPHYR ELECTRIC, INC.:

1. City of Price, via Jack Roberts Construction Company of Spanish Fork, Utah.  
PUBLIC SERVICE BUILDING: Contract \$31,785.00  
Received to date..... 8,000.00  
Balance Remaining unpaid..... 23,785.00  
All Labor and Materials have been Paid for in Full by Cash.
2. Salt Lake City Corporation, Owner; via Kimberly Constr'n Airport Gift Shoppes at Salt Lake International Airport: Contract...\$14,785.00  
Job ready for Construction.  
Received to date. None.
3. Timp Waste Water Treatment, 84 Expansion, By Letter of Intent, via Brown Foutz  
Rc'd to Date--None. Contract...\$55,785.00  
Job Ready for Construction.
4. Springville Lift Station, via Westcom for City of " Contract...\$6,700.00  
Received to date--None.
5. Central Webber Humus Pump Return Ogden, Utah. Low Bidder for Jacobsen, Moore, & Robbins.  
Low Bidder @ \$13,785.00.
6. Waikaloa Office Building @ Kona, Hawaii.  
pending. Low Bidder @ \$42,000.00.

We are performing Our Own Labor & Our intensions for 1984 is a Profit of \$30,000.00. Thank You,

Kent H. Freebairn, President  
Zephyr Electric, Inc.

OGF/OGF.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH

---

<p>In re FREEBAIRN ELECTRIC &amp; CONSTRUCTION COMPANY, INC.</p>	)	<p>Bankruptcy Case No. <u>83-C-296</u>.</p>
	)	
Debtor.	)	

---

FINANCIAL REPORT

For the Period Ending June 30, 1984.

A. STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

Beginning Balance NEGATIVE ---- ( \$14,343.14 )

Receipts:

(Give particulars, including each source, and amount received therefrom.)

see exhibit A.

Complications set into back area from rib injury as reported last month from Industrial Accident. Half to three quarters of earnings were lost this month account unable to work.

Total Receipts: \$ 3,074.36

Disbursements:

(Specify persons or businesses receiving payment and amounts paid.)

<u>Date</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
-------------	--------------	--------------------	---------------

see exhibit A.

Disbursements: -  
*Disbursements*

Total \$ 2,901.24

Ending Balance: \_\_\_\_\_

## FINANCIAL REPORT - PAGE 2

## B. TRANSFERS OF PROPERTY

(Give description of property and to whom transferred or now disposed of.)

None.

## C. WITHDRAWALS

(If individual proprietor, what personal withdrawals have you made during the period? If debtor is a partnership or corporation, what withdrawals in any form have been made by any member of the partnership or by any officer or stockholder of the corporation?)

None.

## D. STATEMENT OF INCOME

## 1. Income from Operations

\$ 3,074.36

## 2. Income Other than from Operations (Give particulars, including each source and amount received therefrom.)

None.

## 3. Total Income

\$ 3,074.36

## 4. Expenses (List expenses for the period.)

see exhibit A

Expenses Total ---- \$ 2,901.24

## 5. Net Earnings

\$ 173.12

## E. STATEMENT OF ASSETS AND LIABILITIES

Assets1. Cash

## 2. Securities and Other Short Term Liquid Assets

FINANCIAL REPORT - PAGE 3

3.	Accounts Receivable	Bass Res. Zwick, Inc.	File
4.	Inventory - What is the amount in dollars? (State whether the inventory was taken at cost, market or otherwise.)	MISC	File
5.	Other Current Assets		
6.	Long-Term Assets Include equipment, buildings and property. Give particulars on any long-term investment(s).		
	TOTAL ASSETS	Misc - On File	

Liabilities

1.	Accounts Payable	on File
2.	Short-term Notes Payable (Give particulars, including each agreement and balance remaining)	
3.	Long-term Payables (Give particulars, including each agreement and balance remaining.)	
4.	Taxes Payable	on file, Paid Down \$15,000.00
5.	Other Liabilities (Identify) Only what was listed on Chapt 11, less items which have been paid down, See submitted Plan of Reorganization as submitted by David E. Leta, Att'y	
	TOTAL LIABILITIES	On File, See Plan.

F. IS THE DEBTOR PRESENTLY CURRENT ON ALL WITHHOLDING  
PAYMENTS FOR POST-PETITION TAXES? Yes.

If answer is 'no', identify taxing authorities and amounts due.



FINANCIAL REPORT - PAGE 4

- G. IS THE DEBTOR CURRENT ON ALL POST-PETITION OBLIGATIONS OTHER THAN WITHHOLDING TAX? *yes.*

If answer is "no", identify creditor(s) and amount(s) due.

- H. STATE THE NAME AND LOCATION OF EACH ENTITY HOLDING MONEY BELONGING TO THE ESTATE, ALONG WITH THE AMOUNT DEPOSITED OR INVESTED THEREIN.

Zwick Construction Company Inc  
2424 South 3270 West St  
Salt Lake City, Ut. 84119

Is each of the entities above-listed a proper depository for estate funds as per § 345 of the Bankruptcy Code?

If not, note exceptions:

- I. LIST ANY OTHER INFORMATION PERTAINING TO THE FINANCIAL CONDITION OF THE BUSINESS OF THE DEBTOR. ATTACH DOCUMENTATION, IF APPROPRIATE.

see Exhibit A. Page 2 of 3.

PREPARER'S CERTIFICATE

As preparer of the foregoing financial statement, I hereby certify under penalty of perjury that the information contained therein is truthful, complete and accurate to the best of my knowledge.

DATED July 14, 1984.

  
Preparer's Signature

Owen G. Freebairn,  
Debtor in Poss'n.  
Preparer's Name (printed)

# EXHIBIT A. (Pg 1 of 3)

Chapter 11.

July 14, 1984.

Financial Report for the period Ending June 30, 1984

Actual Beginning Balance.....Negative

## RECEIPTS:

June 5, 84.	A. G. Body	350.00
June 9, 84.	Valco Sales	500.00
June 11, 84.	A.G. Body	640.36
June 15, 84.	Valco Sales	1,000.00
June 28, 84.	Valco Sales	535.00

Receipts Total \$ 3,074.36

## DISBURSEMENTS:

1984.		
June, All.	$\frac{1}{2}$ Rent, Storage, etc.	255.62
June, All.	$\frac{1}{2}$ Utilities, Tel, Fuel, Power, Lites, etc	104.13
June, All.	Insurance	377.81
June, All.	Medical	52.98
June, All.	Business Services	None.
June, All.	Sub-Contract Labor.	955.00
June, All.	Hired Labor, Taxable.	None.
June, All.	Taxes on Hired Labor	None.
June, All.	Permits, Licenses, etc.	2.00
June, All.	Electrical Supplies	400.34
June, All.	Other Supplies	73.90
June, All.	Office Misc & Supplies	None.
June, All.	Gasoline, Oil, Road Expenses	129.87
June, All.	On the Road Expenses	79.03
June 29, 84.	PAYMENT Cl1, Zions F. N. B.	200.00
June, All.	Equipment Repairs, etc.	161.56
June, All.	Taxes, on record.	49.00

Disbursements Total \$ 2,901.24

## MEMO'S - Recaps Month of June, 1984.

June 84 Cash Receipts	\$	3,074.36
June 84 Cash Disbursements	\$	2,901.34
Beginning Bal, June 1, 84.	Negative	( \$ 14,343.14 )
Ending Bal, June 30, 84.	Negative	( \$ 14,170.02 )
Loans Bal previous fm Isabelle H. Freebairn	\$	14,343.14
Payment to Isabelle H. Freebairn, this month	\$	173.12
Total Loans Owing Isabelle H. Freebairn June 30, 84.	\$	14,170.02

EXHIBIT A. Memos  
(continued on Pages 2 & 3 of 3.)

EXHIBIT A. (Pg 2 of 3)

In regards to my Industrial Accident reported last Month:  
I am still suffering back troubles, apparently all stemming  
from the cracked ribs injury on April 27, 1984. I have had  
numerous tests and still have more to go the doctors say.  
See current report filed with Industrial Commission and State  
Insurance fund for exact Details. My normal income from self  
employment I lost approx  $\frac{1}{2}$  to  $\frac{3}{4}$  this month.

Zwick Construction Company's Wilshire Condominiums project;  
Same as reported in May 84. report.

As stated last month, our attorney Mr. David E. Leta has filed a  
Plan of Reorganization, as of April 16, 1984. Refer to the Plan  
Attached page 3 is a detailed list, PERFORMA STATEMENT OF ZEPHYR  
ELECTRIC, who is buying the assets of Freebairn Electric & Constructi  
Company, INC, indicating their ability to pay out the plan.  
Please Refer to the Plan.

These are my comments for this month.  
I remain respectfully,



---

Owen G. Freebairn,  
Debtor in Possession.

OGF/OGF  
c.c. David E. Leta. Attorney.

EXHIBIT A. (Pg 3 of 3)

(EXHIBIT "C" from the PLAN.)

Freebairn Electric &  
Construction Company, Inc.  
83-C-00296.

July 14, 1984.

PROFORMA STATEMENT OF  
ZEPHYR ELECTRIC, INC.

The following List of Jobs are Under Contract, Letters of Intent, and Under Construction by ZEPHYR ELECTRIC, INC.:

1. City of Price, via Jack Roberts Construction Company of Spanish Fork, Utah.  
PUBLIC SERVICE BUILDING: Contract \$ 31,785.00  
Received to date..... 13,000.00  
Balance Remaining unpaid..... 18,785.00  
All Labor and Materials have been Paid for in Full by Cash.
2. Salt Lake City Corporation, Owner; via Kimberly Constr'n Airport Gift Shoppes at Salt Lake International Airport: Contract...\$14,785.00  
Job Under Construction.  
Received to date. None.
3. Timp Waste Water Treatment, 84 Expansion, By Letter of Intent, via Brown Foutz  
Rc'd to Date--None. Contract...\$55,785.00  
Job Under Construction.
4. Springville Lift Station, via Westcom for City of " Contract...\$6,700.00  
Received to date--None.
5. Central Webber Humus Pump Return Ogden, Utah. Low Bidder for Jacobsen, Moore, & Robbins.  
Low Bidder @ \$13,785.00.
6. Waikaloa Office Building @ Kona, Hawaii.  
pending. Low Bidder @ \$42,000.00.

We are performing Our Own Labor & Our intensions for 1984 is a Profit of \$30,000.00. Thank You,

Kent H. Freebairn, President  
Zephyr Electric, Inc.

CGF/CGF.

Freebairn Electric & Construction Company Inc  
 222 N. 1200 W 115. Orem, Utah. 84057  
 1983 - 1984 - 1985  
 Earnings of Owen G. Freebairn  
 taken from C-11 records at Bankruptcy Court @ S.L.C.

Month	Year	Job Name etc	Amount	Materials	Sub Labor	Loans & Repayments	EARN
(Note: ZWICK CONSTRUCTION FILES NOT INCLUDED HERE.)							
02-83							
03-83		Zwick-P.Wd'l.	487.50	NONE	NONE	-100.00	51.6 38
04-83							
05-83		Zwick-P.Wd'l	240.00	✓	State Ins Fund ✓	NONE	32.0 24
06-83		Zwick P.Wd'l	100.00	✓ \$223.39	✓	✓	13.0 10
07-83		✓ ✓	337.31	✓ \$101.01	✓	✓	50.0 33
08-83		Independent V.W.	785.00	284.48	214.50	+287.00	78
✓		Jerry's Service	1200.00				216.162
✓		H. Anderson	425.00				42
09-83							
10-83		Schmidt	2450.00	450.29	807.50 P		157.0 117
✓		Freebairn P.Wd'l	230.00	(Permit 18.00)			31.0 23
11-83		7 Jobs on RKOT	3814.00	+ 1108.33	Permits 289.00	+ 515.27	254.1901
12-83		8 Jobs on RKOT	6446.00	1533.76	2615.51	+ 166.67	306 222
✓		P.Wd'l	145.00				14
01-84		6 Jobs on RKOT	4311.69	923.58	856.35	+ 854.59	337.2531
02-84		5 Jobs on RKOT	3670.00	948.52	612.00	+ 136.11	281.2109
03-84		3 Jobs on RKOT	2254.10	551.74	1079.00	- 1035.95	83. 62
04-84		3 Jobs on RKOT	1205.29	370.26	② 542.97	- 1510.33	39. 292
05-84		1 Job on RKOT	691.86	442.96	NONE	- 2123.08	33. 24
✓		(State Ins Fund 642.86)					64
06-84		2 Jobs on RKOT	3425.36	326.24	1006.00	+ 173.12	259 194
07-84		4 Jobs on RKOT	2993.00	966.43	3183.45	- 125.08	0 = 115
✓		State Ins Fund - Dis	2871.43				0 287
✓		✓ ✓ ✓ Rebate	128.09				0 12
08-84		1 Job on RKOT	150.00	Prev 1062.16	NONE	- 1041.89	0 = 912
✓		State Ins Fund	900.00	Month			0 900
09-84		3 Jobs on RKOT	1881.85	190.31	76.00	+ 363.27	215 1615
10-84		4 Jobs on RKOT	1800.00	922.69	94.30	- 210.50	104 783
11-84		3 Jobs on RKOT	2388.75	959.51	448.00	- 225.33	130. 981
12-84		3 Jobs on RKOT	2529.94	662.43	796.75	- 145.60	143. 1076
01-85		2 Jobs on RKOT	1450.00	460.12	230.00	- 688.50	101 75
02-85		2 Jobs on RKOT	150.00	Prev 461.02	278.00	+ 1730.03	0 = 58
✓		Mid East Theft Claim	4463.28				446
03-85		No Job	NONE	Prev 777.26	Prev 330.00	- 3136.80	0 - 110
04-85		2 Jobs on RKOT	3769.95	344.67	1471.00	- 335.62	261 195
05-85		3 Jobs on RKOT	295.00	637.57	408.83	- 2483.96	0 = 751
06-85		3 Jobs on RKOT	700.00	350.00	406.50	- 1518.07	0 = 51

Page 2.

# EARNINGS (CONTINUED)

Date	Job name	Amount	Materials	Misc & Sub-labor.	IFH Loans & Repayments	OGF Earnings
Month						
Year						
985 Cont.						28,916.97
7-85	3 Jobs on RKO	1241.75	200.78	451.55	- 1464.22	85 639.6
	State Ins Fund Rebate	50.22				0 50.22
8-85	1 Job on RKO	700.00	447.35	265.75	- 1327.88	6 46.90
9-85	1 Job on RKO	1100.00	97.31	10.00	- 984.69	132 992.79

OGF Earnings Total. } \$ 30,646.55  
 for 29 Months or } \$ 30,646.55  
 \$ 1056.78 Per Month

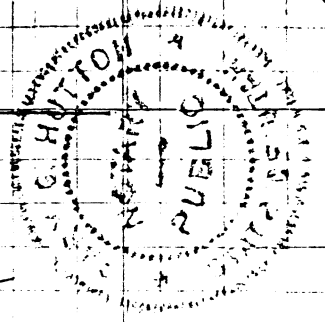
These records are accurate as submitted to Bankruptcy Court in Salt Lake City Utah on case # 82-C-00296 & taken from same RKO's.

The original records were submitted to this Industrial Commission, State of Utah, on 02-23-87 & were logged in on case # 86001117 at that time by the Industrial Commission for the State of Utah, ICW State Insurance Fund case # 87-10242 Inj 04-27-84.

Recap - Respectfully submitted by Owen G. Freebairn this 10th day of April 1987 at Salt Lake City, Ut. Ind. Comm.

OGF - Owen G. Freebairn  
 BY Byron Fisher  
 ATT. Y SLC.

12-10-87



**U.S. Corporation Income Tax Return**

For calendar year 1983 or other tax year beginning 1983 ending 19

OMB No 1545-0123

**1983**

► For Paperwork Reduction Act Notice, see page 1 of the instructions

Check if a—

- A. Consolidated return ☐  
B. Personal Holding Co. ☐  
C. Business Code No. (See page 9 of instructions)

Use IRS label. Otherwise please print or type.

Name **Freebairn Electric & Constn Co INC**  
Number and street **222 N. 1200 West 115**  
City or town, State, and ZIP code **OREM UT. 84057**

D. Employer identification number **20-87-641482**  
E. Date incorporated **Oct 19, 1977**  
F. Total assets (see Specific Instructions) \$

G. Check box if there has been a change in address from the previous year

Gross Income	1 (a) Gross receipts or sales \$ <b>135,166.7</b>	(b) Less returns and allowances \$	Balance ►	1 (c)	<b>135,166.7</b>
	2 Cost of goods sold (Schedule A) and/or operations (attach schedule)			2	<b>150,727</b>
	3 Gross profit (subtract line 2 from line 1(c))			3	<b>&lt;15,000&gt;</b>
	4 Dividends (Schedule C)			4	
	5 Interest			5	
	6 Gross rents			6	
	7 Gross royalties			7	
	8 Capital gain net income (attach separate Schedule D)			8	
	9 Net gain or (loss) from Form 4797, line 14(a), Part II (attach Form 4797)			9	
	10 Other income (see instructions—attach schedule)			10	
	11 TOTAL income—Add lines 3 through 10 and enter here			11	<b>&lt;15,000&gt;</b>
Deductions	12 Compensation of officers (Schedule E)			12	
	13 (a) Salaries and wages \$ <b>6832.68</b>	(b) Less jobs credit \$	Balance ►	13 (c)	<b>6832.68</b>
	14 Repairs (see instructions)			14	<b>3,189.6</b>
	15 Bad debts (Schedule F if reserve method is used)			15	
	16 Rents			16	<b>6040</b>
	17 Taxes			17	<b>13,027.5</b>
	18 Interest			18	
	19 Contributions (not over 10% of line 30 adjusted per instructions)			19	
	20 Depreciation (attach Form 4562)	20			
	21 Less depreciation claimed in Schedule A and elsewhere on return	21(a) ( )	21(b)		
	22 Depreciation			22	
	23 Advertising			23	
	24 Pension, profit-sharing, etc. plans (see instructions)			24	
	25 Employee benefit programs (see instructions)			25	
26 Other deductions (attach schedule)			26	<b>23,261.36</b>	
27 TOTAL deductions—Add lines 12 through 26 and enter here			27	<b>52,280.5</b>	
28 Taxable income before net operating loss deduction and special deductions (subtract line 27 from line 11)			28	<b>&lt;67,340.5</b>	
29 Less: (a) Net operating loss deduction (see instructions—attach schedule)	29(a)				
(b) Special deductions (Schedule C)	29(b)		29		
30 Taxable income (subtract line 29 from line 28)			30	<b>&lt;67,340.5</b>	
Tax	31 TOTAL TAX (Schedule J)			31	<b>-0-</b>
	32 Credits: (a) Overpayment from 1982 allowed as a credit				
	(b) 1983 estimated tax payments				
	(c) Less refund of 1983 estimated tax applied for on Form 4466 ( )				
	(d) Tax deposited with Form 7004				
	(e) Credit from regulated investment companies (attach Form 2439)				
	(f) Federal tax on special fuels and oils (attach Form 4136)			32	
	33 TAX DUE (subtract line 32 from line 31—If line 32 is greater than line 31, skip line 33 and go to line 34). See instruction C3 for depository method of payment (Check <input type="checkbox"/> if Form 2220 is attached. See instruction D.) ► \$			33	<b>-0-</b>
34 OVERPAYMENT (subtract line 31 from line 32)			34		
35 Enter amount of line 34 you want: Credited to 1984 estimated tax ► Refunded ►			35		

Please sign here

Under penalty of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer **Allen J. Freebairn** Date **10/3/85** Title **Debtor in Possession**

Paid Preparer's Use Only

Preparer's signature **Allen J. Freebairn** Date **10/3/85** Check if self-employed ☐ Preparer's social security number **123-45-6789**

Firm's name (or yours, if self-employed) and address **Freebairn Electric & Constn Co INC** E I No **123456789** ZIP code **84057**

# U.S. Corporation Income Tax Return

OMB No 1545-0123

For calendar 1984 or tax year beginning 1984, ending 19

For Paperwork Reduction Act Notice, see page 1 of the instructions

1984

Check it a—

A. Consolidated return ☐

B. Personal Holding Co ☐

C. Business Code No. (See the list in the instructions)  
1731

Use IRS label. Other-wise please print or type.

Name

FREEBORN ELECTRIC & CONSTRUCTION COMPANY INC

Number and street

222 N 1200 W 115

City or town, State, and ZIP code

OREM UT 84057

D. Employer identification number

87-0414820

F. Date incorporated

Oct 14 1977

G. Total assets (see Specific Instructions)

\$

6. Check box if there has been a change in address from the previous year

Gross Income	1 (a) Gross receipts or sales	2,530	(b) Less returns and allowances	Balance	1(c)	2,530
	2 Cost of goods sold and/or operations (Schedule A)				2	-0-
	3 Gross profit (line 1(c) less line 2)				3	
	4 Dividends (Schedule C)				4	
	5 Interest	SEE ATTACHED BANKRUPTCY FINANCIAL STATEMENTS			5	
	6 Gross rents				6	
	7 Gross royalties				7	
	8 Capital gain net income (attach separate Schedule D)				8	
	9 Net gain or (loss) from Form 4797, line 14(a), Part II (attach Form 4797)				9	
	10 Other income (see instructions—attach schedule)				10	
	11 TOTAL income—Add lines 3 through 10 and enter here				11	2530
Deductions	12 Compensation of officers (Schedule E)				12	
	13 (a) Salaries and wages		(b) Less jobs credit	Balance	13(c)	
	14 Repairs				14	13
	15 Bad debts (Schedule F if reserve method is used)				15	
	16 Rents				16	329
	17 Taxes				17	
	18 Interest				18	
	19 Contributions (see instructions for 10% limitation)				19	
	20 Depreciation (attach Form 4562)	20				
	21 Less depreciation claimed in Schedule A and elsewhere on return	21(a)			21(b)	
	22 Depletion				22	
23 Advertising				23		
24 Pension, profit-sharing, etc. plans				24		
25 Employee benefit programs				25		
26 Other deductions (attach schedule)				26	2116	
27 TOTAL deductions—Add lines 12 through 26 and enter here				27	2458	
28 Taxable income before net operating loss deduction and special deductions (line 11 less line 27)				28	72	
29 Less: (a) Net operating loss deduction (see instructions)	29(a)					
(b) Special deductions (Schedule C)	29(b)			29(c)		
30 Taxable income (line 28 less line 29(c))				30		
Tax	31 TOTAL TAX (Schedule J)				31	-0-
	32 Payments:					
	(a) 1983 overpayment allowed as a credit					
	(b) 1984 estimated tax payments					
	(c) Less 1984 refund applied for on Form 4466					
	(d) Tax deposited with Form 7004					
	(e) Credit from regulated investment companies (attach Form 219)					
	(f) Credit for Federal tax on gasoline and special fuels (attach Form 4136)				32	
33 Enter any PENALTY for underpayment of estimated tax—check <input type="checkbox"/> if Form 2220 is attached				33		
34 TAX DUE—If the total of lines 31 and 33 is larger than line 32, enter AMOUNT OWED				34		
35 OVERPAYMENT—If line 32 is larger than the total of lines 31 and 33, enter AMOUNT OVERPAID				35		
36 Enter amount of line 35 you want: Credited to 1985 estimated tax			Refunded	36		

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer: Chas L. Freeborn Date: 4-15-85 Title: Pres

Paid Preparer's Use Only

Preparer's signature: [Signature] Date: [Date] Check if self employed: ☐ Preparer's social security: [Number]  
Firm's name (or yours if self employed) and address: [Address] E. F. No: [Number] F. F. No: [Number]



**U.S. Corporation Income Tax Return**

For calendar 1984 or tax year beginning Jan 1 1985 ending Dec 31 1985

OMB No 1545-0121

**1985**

► For Paperwork Reduction Act Notice, see page 1 of the instructions.

Check if a—

- A. Consolidated return ☐  
B. Personal Holding Co ☐  
C. Business Code No. (See the list in the instructions) 11

Use IRS label. Other-wise please print or type.

Name Freeburn Electric Construction Company, INC.  
Number and street 222 N. 1200 West #115  
City or town, State, and ZIP code OREM UT 84057

D. Employer identification number 87-0414E30  
E. Date incorporated Oct 1977  
F. Total assets (see Specific Instructions) \$                     

6. Check box if there has been a change in address from the previous year ☐

Gross Income	1 (a) Gross receipts or sales	2 (b) Less returns and allowances	3
	2 Cost of goods sold and/or operations (Schedule A)	3 Gross profit (line 1(c) less line 2)	4
	3 Dividends (Schedule C)	4 Interest	5
	4 Gross rents	5 Gross royalties	6
	5 Capital gain net income (attach separate Schedule D)	6 Net gain or (loss) from Form 4797, line 14(a), Part II (attach Form 4797)	7
	6 Other income (see instructions—attach schedule)	7	8
	7	8	9
	8	9	10
	9	10	11
	10	11	12
Deductions	12 Compensation of officers (Schedule E)	13 (a) Salaries and wages	13 (b) Less jobs credit
	13 Repairs	14 Bad debts (Schedule F if reserve method used)	15 Rents
	14 Taxes	15 Interest	16 Contributions (see instructions for 10% limitation)
	15 Depreciation (attach Form 4562)	16 Less depreciation claimed in Schedule A and elsewhere on return	17 Depletion
	16 Advertising	17 Pension, profit-sharing, etc. plans	18 Employee benefit programs
	17 Other deductions (attach schedule)	18	19
	18	19	20
	19	20	21
	20	21	22
	Tax	21	22
22		23	24
23		24	25
24		25	26
25		26	27
26		27	28
27		28	29
28		29	30
29		30	31
30		31	32
Tax	31	32	33
	32	33	34
	33	34	35
	34	35	36
	35	36	37
	36	37	38

**Handwritten Notes:**

- Gross Income:**
  - Line 1: 15,665.14
  - Line 2: Sec RKO's on File in Federal Bankruptcy Court @ S.L.C.
  - Line 3: Under Ch #83-C-00296 Jan 85
  - Line 11: 1985 Beginning Balance <15,665.14>
- Deductions:**
  - Line 13: ALL Gross Income listed per above RKO's
  - Line 14: Same with Deductions
  - Line 20: ENDING Balance 1985 shows <25,035.69>
  - Line 29(a): <9,370.55>
  - Line 30: <25,035.69>
  - Line 31: Operating Loss for 1985
  - Line 32: Ending Bal
- Tax:**
  - Line 34: - 0 -
  - Line 35: - 0 -
  - Line 36: Credited to 1985 estimated tax

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer Allen L. Freeburn Date 4-15-86 Title Debtor in Possession #83-C-0029

Paid Preparer's Use Only

Preparer's signature                      Date                      Check if self-employed ☐ Preparer's social security number                     

Firm's name (or yours, if self-employed) and address                      E.I. No                      ZIP code

940

Department of the Treasury  
Internal Revenue ServiceEmployer's Annual Federal  
Unemployment (FUTA) Tax Return

► For Paperwork Reduction Act Notice, see page 2.

1984

incorrect,  
make any  
necessary  
change.

Name (as distinguished from trade name)

Calendar Year

1985

Trade name

1984

Employer identification number

87-0414820-  
261506

Address and ZIP code

222 N. 1200 West 115  
Drem Lt. 84057

T
FF
FD
FP
I
T

Did you pay all required contributions to your state unemployment fund by the due date of Form 940? (If none required, check "no") ☐ Yes ☒ No

If you checked the "Yes" box, enter amount of contributions paid to your state unemployment fund \$

Are you required to pay contributions to only one state? ☒ Yes ☐ No

If you checked the "Yes" box, (1) Enter the name of the state where you are required to pay contributions None Due Utah

(2) Enter your state reporting number(s) as shown on state unemployment tax return

**Part I Computation of Taxable Wages and Credit Reduction (To Be Completed by All Taxpayers)**

Total payments (including exempt payments) during the calendar year for services of employees	1	- 0 -
Exempt payments (Explain each exemption shown, attaching additional sheets if necessary) ►	2	- 0 -
Payments for services of more than \$7,000. Enter only the excess over the first \$7,000 paid to individual employees not including exempt amounts shown on line 2. Do not use the state wage limitation	3	- 0 -
Total exempt payments (add lines 2 and 3)	4	- 0 -
Total taxable wages (subtract line 4 from line 1) (If any part is exempt from state contributions, see instructions) ►	5	- 0 -
Credit reduction for unpaid advances to the states listed (by 2-letter Postal Service abbreviations). Enter the wages included on line 5 above for each state multiply by the rate shown.		
(a) CT x .007	(f) MI x .007	(i) VT x .006
(b) DC x .011	(g) MN x .008	(m) WV x .007
(c) IL x .008	(h) NJ x .006	Outside the United States
(d) IA x .003	(i) OH x .007	(n) PR x .006
(e) LA x .003	(j) PA x .008	(o) VI x .009
(k) TX x .003		
Total credit reduction (add lines 6(a) through 6(o) and enter in Part II, line 2 or Part III, line 4) ►	7	- 0 -

**Part II Tax Due or Refund (Complete if You Checked the "Yes" Boxes in Both Items A and B Above)**

1 FUTA tax. Multiply the wages in Part I, line 5, by .008 and enter here	1	
2 Enter amount from Part I, line 7	2	
3 Total FUTA tax (add lines 1 and 2)	3	- 0 -
4 Less: Total FUTA tax deposited for the year, including any overpayment applied from a prior year (from your records)	4	- 0 -
5 Balance due (subtract line 4 from line 3—if over \$100, see Part IV instructions). Pay to IRS	5	- 0 -
6 Overpayment (subtract line 3 from line 4). Check if it is to be: <input type="checkbox"/> Applied to next return, or <input type="checkbox"/> Refunded	6	

**Part III Tax Due or Refund (Complete if You Checked the "No" Box in Either Item A or Item B Above. Also complete Part IV)**

1 Gross FUTA tax. Multiply the wages in Part I, line 5, by .035	1	- 0 -
2 Maximum credit. Multiply the wages in Part I, line 5, by .027	2	- 0 -
3 Enter the smaller of the amount in Part V, line 11, or Part III, line 2	3	- 0 -
4 Enter amount from Part I, line 7	4	- 0 -
5 Credit allowable (subtract line 4 from line 3) (If zero or less, enter 0.)	5	- 0 -
6 Total FUTA tax (subtract line 5 from line 1)	6	- 0 -
7 Less: Total FUTA tax deposited for the year, including any overpayment applied from a prior year (from your records)	7	- 0 -
8 Balance due (subtract line 7 from line 6—if over \$100, see Part IV instructions). Pay to IRS	8	- 0 -
9 Overpayment (subtract line 6 from line 7) Check if it is to be: <input type="checkbox"/> Applied to next return, or <input type="checkbox"/> Refunded	9	

**Part IV Record of Quarterly Federal Tax Liability for Unemployment Tax (Do not include State liability)**

Quarter	First	Second	Third	Fourth	Total for Year
Liability for quarter	None Due - Labor Performed by Self.				

If you will not have to file returns in the future, write "Final" here (see general instruction "Who Must File") and sign the return ►

Under penalties of perjury, I declare that I have examined this return including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, complete, and that no part of any payment made to a state unemployment fund claimed as a credit was or is to be deducted from the payments to employees

Signature ► Queen E. Freeman Title (Owner, etc.) ► Director in Charge Date ► 4-15-8



They will bill \$100.00 in  
approx 45 days. (circled)

**UTAH 1985**  
**FORM TC-20**  
**CORPORATION FRANCHISE**  
**OR INCOME TAX RETURN**

Ec. Tax Commission  
Val Number \_\_\_\_\_  
Date \_\_\_\_\_ Aud \_\_\_\_\_  
Check \_\_\_\_\_ App \_\_\_\_\_  
Recorded \_\_\_\_\_  
Approval \_\_\_\_\_  
Rate \_\_\_\_\_  
From \_\_\_\_\_  
To \_\_\_\_\_  
Ref \_\_\_\_\_  
Int \_\_\_\_\_  
Total \_\_\_\_\_

**For Calendar Year 1985**  
or other taxable year  
beginning \_\_\_\_\_ 1985  
ending \_\_\_\_\_ 1986

Utah Charter Number  
**74623**  
Federal Identification Number

Federal Business Code

Corporation Name and Address

**Freebairn Electric & Construction Company Inc**  
**222 N. 1200 West #115**  
**OREM, Utah. 84057.**

Zip Code

nd of business \_\_\_\_\_ Did this corporation join in a Federal consolidated return? Yes ☐ No ☐ Date of incorporation \_\_\_\_\_ Under laws of \_\_\_\_\_  
this a consolidated return? Yes ☐ No ☐ If yes, number of corporations included \_\_\_\_\_ (attach schedule naming each corporation) Area code and Tel no \_\_\_\_\_  
ah net taxable income or (loss) for the taxable year beginning in 1982 \$ \_\_\_\_\_ 1983 \$ \_\_\_\_\_ 1984 \$ \_\_\_\_\_

**NOTE: ATTACH A COPY OF YOUR FEDERAL RETURN AND SUPPORTING SCHEDULES TO THIS RETURN. (INSTRUCTION 9)**

Federal taxable income before net operating loss deduction and special deductions \_\_\_\_\_

1

**ADDITIONS (See Instruction 10)**

(a) State Income and Franchise Taxes (from Schedule A) \_\_\_\_\_  
(b) Exempt Interest - Federal Return \_\_\_\_\_  
(c) Capital Loss Carry-over \_\_\_\_\_  
(d) Income Not Reported on Federal Return (attach schedule) \_\_\_\_\_  
(e) Other (attach schedule) \_\_\_\_\_  
(f) Total Additions \_\_\_\_\_

2(a)  
2(b)  
2(c)  
2(d)  
2(e)

2(f)

Line 1 Plus Line 2(f) \_\_\_\_\_

3

**SUBTRACTIONS (See Instruction 10)**

(a) Wage Deduction - Targeted Jobs Credit \_\_\_\_\_  
(b) Additional Capital Loss \_\_\_\_\_  
(c) Foreign Dividend Gross-up (Section 78) \_\_\_\_\_  
(d) Other (attach schedule) \_\_\_\_\_  
(e) Total Subtractions \_\_\_\_\_

4(a)  
4(b)  
4(c)  
4(d)

4(e)

**NET INCOME (Line 3 minus Line 4(e))** \_\_\_\_\_

5

**UTAH NET INCOME (from Line 13, Schedule N)** \_\_\_\_\_

6

Utah loss carry-over (Instruction 11 - attach schedule) \_\_\_\_\_

7

**NET TAXABLE INCOME (deduct Line 7 from Utah net income on Line 5 or 6, whichever is applicable)** \_\_\_\_\_

8

**TAX: 5% of Line 8, \$100 minimum per corporation (See Instruction 2)** \_\_\_\_\_

9

Deduct: Non-refundable Credit(s) (From Schedule B) \_\_\_\_\_

10

**BALANCE (cannot be less than minimum tax per corporation(s))** \_\_\_\_\_

11

Additions To Tax: (From Schedule C) \_\_\_\_\_

12

**BALANCE (Line 11 amount plus Line 12 amount)** \_\_\_\_\_

13

Deduct: Refundable Credit(s) (From Schedule D) \_\_\_\_\_

14

**AMOUNT DUE (Line 13 amount exceeds Line 14 amount)** \_\_\_\_\_

15

**AMOUNT TO BE REFUNDED (Line 14 amount exceeds Line 13 amount)** \_\_\_\_\_

16

nder penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my know  
ef it is true, correct and complete

**4-15-86**  
Date

Signature of officer

Title

Date

Individual or firm - Signature of Preparer

Address

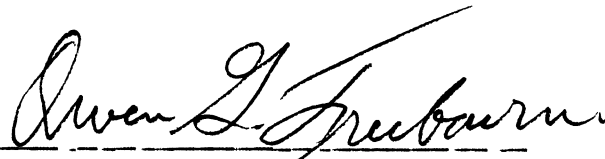
Return to be filed with the STATE TAX COMMISSION, Heber M. Wells Building, 160 East Third South, Salt Lake City, Utah 84134-0300

VERBAL OFFER TO SETTLE  
by  
WORKERS COMPENSATION FUND  
OF UTAH.  
by  
Louanna Tyler, Legal Adjuster.

Re:  
Owen G. Freebairn v.  
Freebairn Electric and/or  
Workers Compensation Fund  
Second Injury Fund &  
Industrial Commission of U  
Commission Case No. 860011  
Court of Appeals No. 87041  
Feb 04, 1987.

This will verify that on this date Workers Compensation Fund of Utah made a verbal offer to settle case for \$6,214.29, plus miscellaneous benefits to be discussed. This was made by Louanna Tyler, legal adjuster for Workers Compensation Fund of Utah.

During the discussion on Feb 06, 1987 she suddenly broke off conversation with "They have decided to let this case go to trial, being that it is so close to trial date now"



Owen G. Freebairn  
Freebairn Electric & Construction Company  
Operating Corp Officer.

OGF/OGF.

Adn P 61.

Adn'P-61

UTAH NEUROLOGICAL CLINIC

Professional Corporation  
1055 NORTH 300 WEST, SUITE 400  
PROVO, UTAH 84604

Telephone (801) 379-7400

LYNN M. GAUFIN, M.D., F.A.C.S.  
Diplomate American Board  
of Neurological Surgery

DOUGLAS B. KIRKPATRICK, M.D., F.A.C.S.  
Diplomate American Board  
of Neurological Surgery

ALAN T. HUNSTOCK, M.D.  
Diplomate American Board  
of Neurological Surgery

JOHN M. ANDREWS, M.D.  
Diplomate American Board  
of Psychiatry & Neurology

JULIA G. MEYER, M.D.  
Diplomate American Board  
of Psychiatry & Neurology  
with Special Qualification  
in Child Neurology

JOSEPH R. WATKINS, M.D.  
Neurology

February 24, 1987

Richard G. Sumsion  
Administrative Law Judge  
Industrial Commission of Utah  
160 East 300 South  
P. O. Box 45580  
Salt Lake City, Utah 84145

RE: FREEBAIRN, Owen G.

Dear Judge Sumsion:

I have received and reviewed your letter of 2/12/87. I will try to answer your questions as best I can, although you understand that in cases of mixed etiology it is not always possible to assign exact numbers of contributory etiology to each separate factor!

I would guess that the accident of April 27, 1984 was a significant and perhaps major aggravating factor in causing this man's disease and symptoms. Noting the severity of the spondylosis (arthritis of the spine), however, I would guess that there was some degree of pre-existing disease that may have been asymptomatic prior to that accident. I would guess that this aggravation was not temporary but an on-going escalation of the symptoms and disease. I would guess that his permanent partial impairment relative to this specific accident would be approximately 10% and I would guess that there was no pre-existing permanent partial impairment due to lumbar spine disease.

I last saw the patient for medical evaluation on 12/9/86 at which time he was doing reasonably well and was authorized to return to work as of January 2, 1987, but I should mention that I did instruct him on an exercise program for his lower spine and, as you noted, I urged him to avoid heavy lifting for 6 months.

If I can furnish further information, please let me know.

Sincerely yours,



Douglas B. Kirkpatrick, M.D.

DBK:jm

THE INDUSTRIAL COMMISSION OF UTAH

Case No: 86001117

OWEN G. FREEBAIRN,

Applicant,

vs.

FREEBAIRN ELECTRIC and/or  
WORKERS COMPENSATION FUND OF UTAH and  
SECOND INJURY FUND,

Defendants.

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\*

FINDINGS OF FACTS

CONCLUSIONS OF LAW

AND ORDER

\* \* \* \* \*

HEARING: Hearing Room #334, Utah Industrial Commission, 160 East 300 South, Salt Lake City, Utah, on February 12, 1987, at 8:30 o'clock a.m. Said hearing was pursuant to order and notice of the Industrial Commission.

BEFORE: Richard G. Sumsion, Administrative Law Judge.

APPEARANCES: Owen G. Freebairn appearing pro se.

Debra Larsen on behalf of the Workers Compensation Fund.

FINDINGS OF FACT:

The applicant is the 71-year-old former president of Freebairn Electric and Construction, Inc. The corporation filed a Petition in bankruptcy in 1983 under Chapter 11 allowing it to continue business under the protection of the court as a debtor in possession.

On April 27, 1984, the applicant sustained an injury by accident during the course of his employment with the corporation. The allegations contained in his Application for Hearing are non-descript but at the time of the hearing he testified that on the date in question he ran into a side rail while carrying electrical fixtures and somehow injured his ribs. He also believes that he may have injured his back at the same time.

The Workers Compensation Fund accepted liability for the applicant's claim and as of December 23, 1986 had paid the sum of \$5,287.90 for medical expenses in addition to temporary total disability compensation from April 30, 1984 to and including October 16, 1984 totaling \$7,285.72. Temporary total disability compensation was paid at the maximum rate based on the applicant's

OWEN G. FREEBAIRN  
FINDINGS OF FACT  
PAGE TWO

allegation that he earned \$15.00 per hour. From the applicant's testimony, it appears the business activities of Freebairn Electric have been essentially superseded by Zephyr Electric, a company started by the applicant's son.

Medical records submitted by the Workers Compensation Fund relative to Mr. Freebairn reflected a diagnosis of severe lumbar spondylosis with ridiculotathy. The records also disclosed an incidental L4-5 disc bulge thought not to be too significant. Because of these notations in the medical records, the Administrative Law Judge wrote to the applicant's treating physician, Dr. Douglas B. Kirkpatrick, requesting further explanation as to the applicant's condition in addition to an assessment of any pre-existing condition. Dr. Kirkpatrick responded by letter dated February 24, 1987, a copy of which is attached hereto. As noted in Dr. Kirkpatrick's response, it is practically impossible to assign exact numbers to the possible causes of a given back condition. Dr. Kirkpatrick acknowledges the probable existence of prior problems but assigns no rating to such problems because, by history, they were asymptomatic prior to the industrial accident of April 27, 1984.

A serious issue developed at the time of hearing relative to the applicant's average weekly wage. Upon questioning, it became apparent that the applicant's allegation of earning \$15.00 per hour was based principally upon the value of his time rather than upon actual earnings. He contended that the employees of Freebairn Electric were routinely paid a wage of approximately \$15.00 per hour or more and therefore his earnings should be considered on a similar bases. Because of the absence of any records and imprecise testimony on the part of the applicant, the Administrative Law Judge asked the applicant to submit copies of income tax returns for the years 1983 and 1984. This information was willingly furnished by the applicant, but it falls far short of confirming his alleged average weekly wage. There is no reason to dispute the applicant's testimony that \$15.00 an hour or more was a typical wage paid to an electrician. The income tax returns submitted show a net loss for the corporation and the applicant indicated that he and his wife did not file personal returns because their income was too low. Based upon the records submitted it is impossible to determine the applicant's average weekly wage. Accordingly, the Administrative Law Judge has no choice other than to award compensation based upon the minimum of \$50.00 per week. When compensation paid to the applicant is adjusted on this basis, the result is an overpayment of \$5,328.58 in temporary total disability benefits. These payments were made to the applicant in good faith and the applicant is under no obligation to repay any of the overpayment, but the overpayment does constitute an off-set against any other compensation which may be due him such as a permanent partial disability award.

If the applicant were to be awarded permanent partial disability benefits on the basis of the 10% rating provided by Dr. Kirkpatrick, he would be entitled to 31.2 weeks at \$50.00 per week or \$1,560.00. This would still leave an overpayment of \$3,768.58.

Dr. Kirkpatrick's letter of February 24, 1987 indicates that temporary total disability probably continued to at least January 2, 1987. Because compensation was only paid through October 16, 1984, some additional temporary total disability might well be appropriate but it is impossible to determine what this period might be from the evidence. It is presumed, however, that whatever period of time might be appropriate it would be more than off-set by the overpayment of temporary total disability indicated above.

The Administrative Law Judge found the applicant to be a very likable, industrious, fair minded person. He did not appear to be greedy nor did he want anything that was not appropriately due him under the Workers Compensation Act. The Administrative Law Judge got the impresssion from the applicant that he would probably have been satisfied with a payment of just a few more months of compensation. Unfortunately, compensation cannot be awarded on the basis of personal preference and desire, but must be founded upon the facts presented and the law applicable thereto. On this basis, no more compensation is due the applicant and, in fact, a substantial credit of \$3,768.58 remains because of the overpayment of temporary total disability.

#### CONCLUSIONS OF LAW:

The hourly wage paid to electricians generally cannot be equated to the applicant's average weekly wage. Without a showing that he actually received compensation for his services that would justify a payment of more than the minimum provided under the Workers Compensation Act, the minimum payment of \$50.00 per week is all that can be awarded. There is no showing that a premium was paid to the Workers Compensation Fund on Mr. Freebairn's earnings in excess of the minimum nor is there any collaboration of his income by secondary evidence such as a W-2 form or an income tax return. Compensation payable to the applicant for temporary total disability and/or permanent partial disability is all part of one integrated system and an overpayment of one form of compensation is appropriately credited against what might be payable under another form of compensation. On the evidence presently before the Commission, it appears the applicant has been overpaid at least \$3,768.58.

#### ORDER:

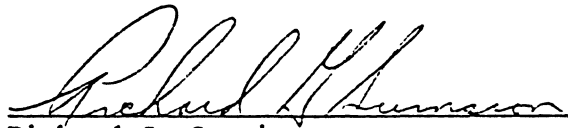
IT IS THEREFORE ORDERED that the claim of the applicant for additional weekly compensation benefits by way of temporary total disability or permanent partial disability be, and the same is hereby, denied.



OWEN G. FREEBAIRN  
FINDINGS OF FACT  
PAGE FOUR

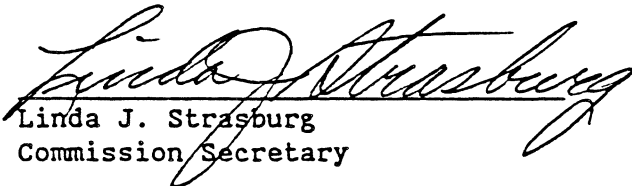
IT IS FURTHER ORDERED that the defendant's pay applicant's medical expenses attributable to his industrial accident of April 27, 1984; these expenses to be paid in accordance with the Medical and Surgical Schedule of this Commission.

IT IS FURTHER ORDERED that any Motion for Review of the foregoing shall be filed in writing within fifteen (15) days of the date hereof, specifying in detail the particular errors and objections, and, unless so filed, this Order shall be final and not subject to review or appeal.

  
Richard G. Sumsion  
Administrative Law Judge

Passed by the Industrial Commission  
of Utah, Salt Lake City, Utah, this  
31<sup>st</sup> day of March, 1987.

ATTEST:

  
Linda J. Strasburg  
Commission Secretary

CERTIFICATE OF MAILING

I certify that on March 31<sup>st</sup>, 1987, a copy of the attached FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER in the case of OWEN G. FREEBAIRN was mailed to the following persons at the following addresses, postage paid:

✓ Owen G. Freebairn  
222 North 1200 West, #115  
Orem, UT 84057

Freebairn Electric  
222 North 1200 West, #115  
Orem, UT 84057

Workers Compensation Fund of Utah  
P.O. Box 45420  
SLC, UT 84145-0420

Erie V. Boorman, Administrator, Second Injury Fund

INDUSTRIAL COMMISSION OF UTAH

By Pamela Hayes  
Pamela Hayes



INDUSTRIAL COMMISSION OF UTAH

NORMAN H BANGERTER, GOVERNOR

STEPHEN M. HADLEY, CHAIRMAN

L. L. NIELSEN, COMMISSIONER

JOHN FLOREZ, COMMISSIONER

May 8, 1987

*Rid @ 02em*

*05-12-87.*

*(Coff)*

Owen G. Freebairn  
222 North 112 West, No. 115  
Orem, UT 84057

Re: Owen G. Freebairn  
Inj: 04-27-84  
Emp: Freebairn Electric

Dear Mr. Freebairn:

Your Motion for Review of my Order of March 31, 1987, is currently pending before the Industrial Commission. Before making any decision, the Industrial Commission has requested that I obtain additional information from you relative to the wage question. It is clear from the record that, at the time of your injury on April 24, 1984, you were operating as a debtor in possession under the auspices of the Bankruptcy Court. Will you please furnish me that portion of the Bankruptcy Plan that governed the payment of wages to yourself, your son Kent, and any other payments to those having a financial interest or ownership interest in the corporation. I would also like the same kind of information relative to the payment of wages to those who had no financial or ownership interest in the corporation. Somehow, the Industrial Commission must make a determination of your average weekly wage and they must recognize the distinction between earnings from labor and profits.

Please let me know if you have any question as to what is needed. I would appreciate receiving your response by May 20, 1987.

BY DIRECTION:

INDUSTRIAL COMMISSION OF UTAH

Richard G. Sumsion  
Administrative Law Judge

RGS:jm

Owen G. Freebairn  
222 North 1200 West # 115  
Orem, Utah. 84057  
801-224-7251.

Judge Richard G. Sumsion  
Administrative Law Judge  
Industrial Commission of Utah  
Workers Compensation Division  
160 East 300 South St  
P. O. Box 5800  
Salt Lake City, Utah. 84110-5800

May 20, 1987

Re: Owen G. Freebairn  
Inj: 04-27-84  
Emp: Freebairn Electric  
WCF: #84-10342  
Ind: NO.86001117  
Cll: 83-C-00296

Dear Judge Sumsion:

In answer to your letter of May 8, 1987 requesting information,  
I submit the following.

Cll Bankruptcy Court State of Utah does not issue any instructions regarding payment of wages to myself. They insist that all bills and obligations be current. They insist that financial statements be current and on time monthly. As debtor in possession, I operate the business to the best of my ability and circumstances and opportunities; and what I make determines payment of wages, to myself. Cll Financial Reports have been submitted to you complete, and I take my following comments from the Recap issued to you on Apr 10, 87

Son Kent owns and operates Zephyr Electric Inc, and has had nothing to do with Freebairn Electric during this period. I worked full time for Freebairn Electric, 40 Hrs avg per week, 160 Hrs per month, regardless of duties or jobs worked within the Company. My Salary, or Wages, or payment of Services, averaged out at \$1,056.78 per month or \$6.60 per hour; or \$264.20 per Week. These figures are accurate, taken from RECAP issued to you on April 10, 1987. There was no profit as I was in a debtor recovery position. My earnings were at a minimum acceptable living level, operating as a debtor under the auspices of Bankruptcy Court. My average weekly wage was \$264.20.

There were no others involved in Freebairn Electric and there were no payments made to others.

I find it difficult to understand why the Industrial Commission continues to question this minimal settlement.

Thank you for giving me the opportunity to submit this additional information as requested. I trust it will help settle this case.

Yours truly,



Owen G. Freebairn, Applicant

OGF/OGF  
Copy Byron Fisher, Atty, S.L.C.

THE INDUSTRIAL COMMISSION  
OF UTAH  
FILE # 86C01117.

ANSWERS TO ERRORS  
OF FACTS AND  
DENIAL OF CLAIM.

OR

REQUEST FOR NEW  
HEARING.

\*

Defendants.

ANSWERS to "FINDINGS OF FACT" errors.

ran into a staggard handrail on stairway, etc.

that electricians are paid aprox 315.00 per hour.

Pgh 5, Line 2 on.

The applicant made no reference to "wages" or "average weekly wage". The applicant explained there is no way of determining amount of money made until completed books show the same. Applicant said Freebairn Electric paid aprox \$15.00 per Hr, but did not say he earned same. An electrician cannot estimate what he is worth until it is shown by his work.

**SECRET**

Pgh 5 Line 7 The records submitted to this court show that Freebairn Electric did not make money during the operation under Cll.

Pgh 5 Line 11. Applicant made no reference to "Alleged average weekly wage."

Pgh 5 Line 18. Freebairn Electric was taxed by State Insurance Fund, Corp Officers min Quarterly earnings 1983 \$400, 1984 \$600. per Qtr per corp Officer, 1985 \$800.00 per Qtr Min Corp Officer, Owen G. Freebairn was listed on these reports and paid the State Insurance Fund Required amounts.

Pgh 5 Line 19 to end & Pgh 6 whole. (entirety)

All calculations representing this case are incorrect.

From the financial records, fm C11, submitted to this court; I attach a "RECAP" sheet showing the exact Earnings & monies Generated by Labor & Expertise of Owen G. Freebairn. This is for the period of March 1983 through Sept 1985. These figures show that Owen G. Freebairn is entitled to the maximum compensation that State Insurance Fund was paying in this case, which is \$300.00 per week (\$7.50 hourly)

Owen G. Freebairn,  
Freebairn Electric  
Page 2.

FINDINGS OF FACT  
Answers to Errors.  
continued.

Pgh 7, Line 3 add'n,  
Jan 2, 1987. Dr Kirkpatrick recommended I go to therep~~M~~ for  
at least 30 days before returning to work. This I did and  
returned to work on Feb 2, 1987.

Pgh 8 Lines six on to conclusion.  
The Conclusions presented here by the LAW JUDGE are entirely  
incorrect after examining the Recap Sheet showing Earnings of  
one Owen G. Freebairn. (Shows money IN less Materials, Supplies,  
Sub-Labor, Permits, etc and NET Money generated by same.

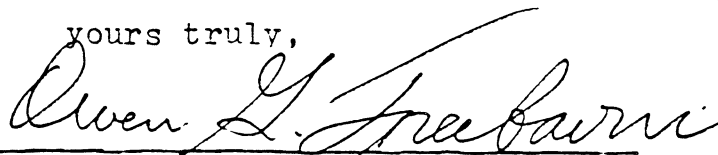
CONCLUSIONS OF LAW.  
ANSWERS TO MIS-CONCLUSIONS.

In Ref Pgh 1.  
State Insurance Fund (W.C.F.) based this case on 1984  
compensation payments of \$300 per week and has made those  
payments thru October 16, 1984, including Medical Bills.  
The evidence submitted to this Law Judge to date, conclusively  
shows that Owen G. Freebairn actually received compensation  
for his services, generating the money shown on the "Recap"  
sheet. These amounts justify payment of MORE than minimum  
compensation provided by law (\$50.00/Wk)  
Premiums were paid throughout the period to State Insurance  
Fund on Qtrly reports, min Corp Earnings. This still gives  
us adequate insurance coverage for accidents.  
Until 1986 I.R.S. changes on Freebairn Electric's books to INC,  
Freebairn Electric was reported as a "Partnership" prior to  
that date and no W2 forms were ever filled out on the Ptrs.  
W2 forms were filled out for employees of the company only.

On Feb 6th 1987 I was contacted by Legal Dept of W.C.F.  
(State Insurance Fund) Mrs Louanna Tyler who wanted to settle  
this claim We bargained back and forth over a six to ten day  
period. She figured my compensation coming to me of aprox  
\$6,000.00 to \$7,000.00 plus some additional items we both  
mentioned. She was satisfied of the status of my claim, and  
at the last minute of bargaining, she said we had better let  
it go to trial as it was so close now. We bargained in GOOD  
FAITH and I figured W.C.F. wanted to do right by me.

I trust that the evidence I have submitted will help the LAW  
JUDGE re-render his decision on this case, giving me the  
compensation I am due in this case. If this is not possible,  
I HEREBY REQUEST A NEW HEARING ON THIS CASE.

yours truly,

April 16, 1987 

OGF/AGF

Owen G. Freebairn, Applicant, Freebairn Electric

CASE No. 86001117

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AMENDED  
  
FINDINGS OF FACT  
  
CONCLUSIONS OF LAW  
  
AND ORDER

## Adm' P-72

earnings statement is attached to hopefully clarify some of the discrepancies which would otherwise result. For illustrative purposes, the October, 1983, Receipts and Disbursements Schedule is also attached. For the month of October, 1983, the applicant shows on the earnings statement earnings of \$1,404.21. On the Receipts and Disbursements Schedule for that same month, the applicant shows withdrawals of \$230.00; whereas, on the earnings statement, he reflects the total receipts of \$2,680.00 from which he deducted material costs of \$450.29 and sublabor costs of \$807.50 to arrive at the net earnings of \$1,404.21. Arguably, the applicant had no net earnings during the month of October, 1983, nor many of the other twenty-nine months reflected in the earnings statement. On the other hand, in response to a further inquiry by the Administrative Law Judge, the applicant explained, in a letter dated May 20, 1987, that: "C11 Bankruptcy Court, State of Utah, does not issue any instructions regarding payment of wages to myself. They insist that all bills and obligations be current. They insist that financial statements be current and on time monthly. As Debtor in Possession, I operate the business to the best of my ability and circumstances and opportunities; and what I make determines payment of wages, to myself. . . There were no others involved in Freebairn Electric and there were no payments made to others."

On the earnings statement, the applicant represents that during the month of October, 1983, he worked a total of 188 hours. It is obvious from the foregoing that the applicant did not pay himself on a salaried, nor an hourly basis. As he states in his letter of May 20, 1987, he "worked full time for Freebairn Electric, 40 hours average per week, 160 hours per month, regardless of duties or jobs worked within the company. . . There was no profit as I was in a debtor recovery position. My earnings were at a minimum acceptable living level, operating as a debtor under the auspices of Bankruptcy Court."

From an analysis of the foregoing data, it is obvious the applicant derived no taxable earnings from his employment, even though he put in the time and did reflect a net earnings, if one were to assume the only deductions from receipts were the cost of materials, sublabor, and repayments on loans. The receipt of loans and repayment of loans is obviously a distortion of the true earnings picture.

The earnings statement from March of 1983 through April of 1984 is relevant in determining the applicant's average weekly wage. The earnings record after April of 1984 is relevant only in determining a possible claim for temporary partial disability. The Administrative Law Judge has determined that the earnings record from March of 1983 through April of 1984, should be used in determining the applicant's average weekly wage after first adjusting the loans and repayments of loans from net earnings. This in no



way coincides with taxable earnings, but is felt to approximate the value of the applicant's earnings as an employee of the corporation. The additional expenditures made by him, as reflected by the Receipts and Disbursements records furnished to the Bankruptcy Court, more properly reflect the income and loss of the corporation, hence should not be used in determining the applicant's average weekly earnings. On this basis, the applicant's average weekly wage prior to his industrial accident was \$277.69, resulting in a basic rate of compensation of \$185.00, plus a \$5.00 dependency allowance, or a total of \$190.00. Therefore, the rate of temporary total disability paid from April 28, 1984, through October 16, 1984, should be adjusted to reflect the overpayment. The overpayment amounts to \$2,671.44.

The applicant was subsequently hospitalized for back surgery and is entitled to additional temporary total disability during the period September 10, 1986, through January 2, 1987, a period of 16.43 weeks. This entitles him to an additional \$3,121.70, less the overpayment, or a net amount of \$450.26. As noted in the original Findings, the applicant's treating physician, Dr. Kirkpatrick, has rated the applicant's impairment at 10% of the whole person. Dr. Kirkpatrick did not assign any part of this to pre-existing impairment, but other doctors have rather clearly noted the existence of pre-existing impairment without specifying any particular percentage. Dr. Spencer commented on the pre-existing impairment, as did Dr. Thoen. Because of this, the Administrative Law Judge discussed the matter with the Administrator of the Second Injury Fund to see if there was a basis on which the liability for permanent partial impairment could be reasonably apportioned between the Workers Compensation Fund of Utah and the Second Injury Fund. The Administrative Law Judge suggested that under the circumstances, a 50-50 split would be reasonable and the Administrator of the Second Injury Fund agreed to this allocation. Hopefully, this will be agreeable to the Workers Compensation Fund of Utah.

A 10% permanent partial disability rating entitles the applicant to 31.2 weeks of compensation, or a total of \$5,928.00, to be apportioned half to the Workers Compensation Fund of Utah and half to the Second Injury Fund.

#### CONCLUSIONS OF LAW:

The applicant is entitled to additional workers compensation benefits as a result of his industrial accident of April 27, 1984, in accordance with the foregoing Findings of Fact.

OWEN G. FREEBAIRN  
AMENDED ORDER  
PAGE FOUR

ORDER:

IT IS THEREFORE ORDERED that Freebairn Electric and/or Workers Compensation Fund of Utah pay applicant compensation at the rate of \$190.00 per week for 16.43 weeks, or a total of \$3,121.70, for temporary total disability during the period September 10, 1986, through January 2, 1987, with credit to be allowed for the overpayment in 1984, amounting to \$2,671.44, or a net amount of \$450.26.

IT IS FURTHER ORDERED that Freebairn Electric and/or Workers Compensation Fund of Utah pay applicant compensation at the rate of \$190.00 per week for 15.6 weeks, or a total of \$2,964.00, as compensation for 5% permanent partial impairment attributable to the applicant's industrial accident of April 27, 1984. This amount shall be payable in a lump sum.


IT IS FURTHER ORDERED that Freebairn Electric and/or Workers Compensation Fund of Utah pay applicant's medical expenses attributable to his industrial accident of April 27, 1984; these expenses to be paid in accordance with the Medical and Surgical Fee Schedule of the Industrial Commission.

IT IS FURTHER ORDERED that the State Treasurer, as custodian of the Second Injury Fund, pay applicant compensation at the rate of \$190.00 per week for 15.6 weeks, or a total of \$2,964.00, as compensation for 5% permanent partial impairment attributable to pre-existing conditions. These payments shall commence on or about April 20, 1987, and paid at intervals of not less than every four weeks, with accrued amounts payable in a lump sum.

IT IS FURTHER ORDERED that the State Treasurer, as custodian of the Second Injury Fund, reimburse the Workers Compensation Fund of Utah to the extent of fifty percent (50%) of the amounts paid by way of temporary total disability and medical expenses upon the filing of a duly verified petition certifying the amounts expended.

OWEN G. FREEBAIRN  
AMENDED ORDER  
PAGE FIVE

IT IS FURTHER ORDERED that any Motion for review of the foregoing shall be filed in writing within fifteen (15) days of the date hereof, specifying in detail the particular errors and objections, and, unless so filed, this Order shall be final and not subject to review or appeal.

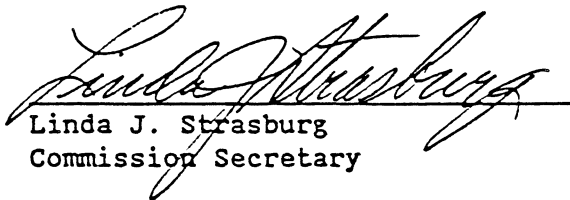


Richard G. Sumsion  
Administrative Law Judge

P-484 845 700

Passed by the Industrial Commission  
of Utah, Salt Lake City, Utah, this  
28th day of May, 1987.

ATTEST:




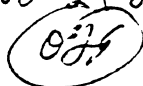
Linda J. Strasburg  
Commission Secretary



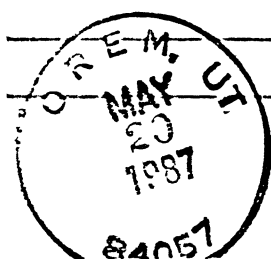
INDUSTRIAL COMMISSION OF UTAH

160 EAST 300 SOUTH • P O BOX 45580  
SALT LAKE CITY UTAH 84145-0580

Freebairn Electric  
Copy to RF Ca  
05-29-87. 

Rcd@ Orem  
05-29-87  


U S G P O 1 1 0 6  
Fryd Comm. UT  
Box 5800  
SLC UT 84110  
22  
75

in 100 June 1985  
20  
167  


Owen G. Freebairn  
222 North 1200 West, No. 115  
Orem, UT 84057

CERTIFICATE OF MAILING

I certify that on May 28, 1987, a copy of the attached Amended Findings of Fact, Conclusions of Law and Order was mailed to the following persons at the following addresses, postage paid:

Owen G. Freebairn  
222 North 1200 West, No. 115  
Orem, UT 84057

Freebairn Electric  
222 North 1200 West, No. 115  
Orem, UT 84057

Workers Compensation Fund of Utah  
Attention: Deborah Larsen, Attorney at Law

Erie V. Boorman, Administrator  
Second Injury Fund

INDUSTRIAL COMMISSION OF UTAH

By Janet N. Moriarty  
Janet N. Moriarty

DEBORAH M. LARSEN, No. 4366  
Attorney for Workers Compensation Fund of Utah  
560 South 300 East  
Salt Lake City, UT 84145-0420  
Telephone No: 533-7840

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BEFORE INDUSTRIAL COMMISSION OF UTAH

Case No. 86001117

OWEN G. FREEBAIRN,

Applicant,

vs.

MOTION FOR REVIEW

FREEBAIRN ELECTRIC and/or  
WORKERS COMPENSATION FUND OF UTAH,  
and SECOND INJURY FUND,

Defendants.

---

On May 28, 1987, the Administrative Law Judge issued an Amended Findings of Fact, Conclusions of Law and Order regarding the above referenced claim. The Workers Compensation Fund objects that Mr. Freebairn's average weekly wage was determined to be \$277.59, and that credit was not given for the approximate value of the applicant's earnings during the period of time he was receiving temporary total disability benefits from April 30, 1984 up to October 16, 1984.

FACTUAL BACKGROUND

Findings of Fact, Conclusions of Law and Order were entered in this matter on March 31, 1987. At that time, the Administrative Law Judge concluded that Mr. Freebairn's earnings were minimal and that compensation should be awarded on the basis of the statutory minimum. After a Motion For Review was timely filed by the applicant, the Administrative Law Judge determined that a Supplemental Order should be entered. In the Supplemental Order, the Administrative Law Judge relied upon Mr. Freebairn's recap of Receipts and Disbursement Records for Freebairn Electric in determining the approximate value of the applicant's earnings as an employee of the corporation from March 1983 through April 1984. The average weekly wage was determined to be \$277.69. Therefore, the basic compensation rate would have been \$185.00, plus \$5.00 dependency allowance, or a total of \$190.00. The Administrative Law Judge determined that the earning records after April of 1984 would be relevant only in determining the possible claim of temporary partial disability benefits. The Administrative Law Judge also determined

that the Second Injury Fund would be responsible for 50% of the permanent partial impairment benefits as well as reimbursement of 50% of medical expenses and temporary total disability benefits that had been paid. The Workers Compensation Fund objects to the applicant's average weekly wage as determined by the Administrative Law Judge and the failure to consider reimbursement for monies paid for temporary total disability status when it appears Mr. Freebairn was only partially temporarily totally disabled.

ARGUMENT

POINT ONE

THE ADMINISTRATIVE LAW JUDGE ERRED WHEN DETERMINING MR. FREEBAIRN'S AVERAGE WEEKLY WAGE FOR PURPOSES OF WORKERS' COMPENSATION BENEFITS.

The Workers Compensation Fund recognizes the complexity in trying to determine the average weekly wage for Mr. Freebairn given the fact that Mr. Freebairn was an employee of a corporation that was in bankruptcy proceedings and he was not paid a basic weekly wage from the corporation. The Workers Compensation Fund, given the circumstances, will accept the basic premise from which the average weekly wage was determined by the Administrative Law Judge, essentially, that being the earnings as recorded on Mr. Freebairn's recap bankruptcy court sheet without considering loan and repayment notations.

In trying to determine the average weekly wage, the Workers Compensation Fund came up with a total of \$15,125.80, minus the \$686.06 that was considered as loan repayment, for a total of \$14,439.74 as a basis to determine a wage. However, the Workers Compensation Fund feels that the Judge erred in dividing this amount by 12 months rather than 14 months. It is true that in November of 1983 and April of 1983, no earnings were recorded. However, since the Administrative Law Judge believed the period from the first of March 1983 to the end of April 1984 to be a representative period to determine the average weekly wage, the Workers Compensation Fund feels that this should be divided by 14 months, rather than 12 months. Just because Mr. Freebairn did not make any "earnings" during these two months, these two months should not be separated from the total in determining the average earnings. Those two months Mr. Freebairn basically did not make an average weekly wage should be considered along with the weeks in which he did make an average weekly wage during the 14-month period the Judge chose to use. It was erroneous to pick and choose months of a time period (which was chosen to be 14 months) in order to determine an average weekly wage. One cannot pick and choose the highest paying months to determine a weekly wage. Therefore, Mr. Freebairn's average weekly wage would have been \$14,439.74 divided by 14 months, for a total of \$1,031.41 as an average monthly wage. That figure would be divided by 4.33 for a total of \$238.00 as an average weekly wage. The benefit rate would be determined by  $\$238.00 \times .664$ . The compensation rate would be \$157.00, plus \$5.00 for dependency allowance. Therefore, the benefit rate would be \$162.00 per week.

If \$162.00 per week is the benefit rate, then given the Amended Order, the Workers Compensation Fund would be ordered to compensate Mr. Freebairn \$162.00 x 16.43 weeks, or a total of \$2,661.60 for temporary total disability during the period of September 10, 1986 through January 2, 1987. The Workers Compensation Fund would also be responsible for 5% permanent partial impairment attributable to the applicant's industrial accident of April 27, 1984 which would be \$162.00 x 15.6 weeks for a total of \$2,527.20. Together, this would total a liability of \$5,188.80. This amount would need to be offset by credit for temporary total disability benefits when only partial temporary total disability benefits was due.

POINT TWO

THE ADMINISTRATIVE LAW JUDGE ERRED WHEN HE DID NOT GIVE THE WORKERS COMPENSATION FUND CREDIT FOR PAYMENTS MADE DURING THE PERIOD OF TEMPORARY PARTIAL DISABILITY. UTAH CODE ANNOTATED, SECTION 35-1-65.1, INDICATES THE BENEFITS FOR PARTIAL DISABILITY

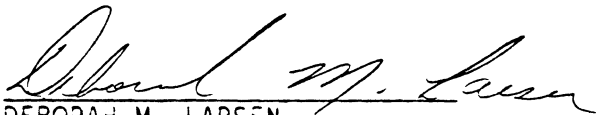
There were many sources that the Commission could have used in determining Mr. Freebairn's wage during the period in question. The Industrial Commission decided to use the recap statement of the Bankruptcy Court Mr. Freebairn provided which showed earnings during a 29-month period. Once the Commission decided what was a fair representation of Mr. Freebairn's wages, the Commission must be consistent and use those same records to determine other benefits. Therefore, these same calculations should also be used in determining earnings, if any, made during the period of time the Workers Compensation Fund was paying temporary total disability benefits. While it is true there may be some backlog in the earnings records and the actual jobs worked, the Industrial Commission should have used the same recap sheet in determining the employee's wage after April of 1984.

During the period of temporary partial disability from May 1, 1984 to October 16, 1984, it appears Mr. Freebairn's earnings were \$6,270.10. This does not include the payments made by the Workers Compensation Fund as recorded during those periods of time. One would also need to subtract \$2,908.91 from this figure because it represented loan and repayments. Therefore, the earnings for Mr. Freebairn during this period was \$3,361.19. Divide this by 24.1 weeks for an average weekly wage of \$139.46. Therefore, under Section 35-1-65.1, Mr. Freebairn's benefits should have been the difference between the employee's average weekly wage before the accident and the weekly wage that the employee was able to earn after the accident. Therefore, it would be \$157.00 minus \$139.00 for a total of \$18.00. This would be multiplied by 66 2/3% for an approximate compensation rate of \$12.00 with a \$5.00 dependency allowance. Therefore, from May 1, 1984 through October 16, 1984, Mr. Freebairn should have received from the Workers Compensation Fund in temporary partial disability benefits \$17.00 per week for 24. weeks for a total of \$409.70. The Workers Compensation Fund paid \$7,285.72 during this time. Therefore, the Workers Compensation Fund should receive credit of \$6,876.02.

CONCLUSION

Because the Commission determined that Mr. Freebairn's bankruptcy recap sheet indicated the best facts in order to determine the average weekly wage, and the Commission determined that a 14-month period would be the best period of time in order to determine the average weekly wage, the Administrative Law Judge cannot arbitrarily take two months where no earnings were received out of the calculations. The entire 14-month period must be considered as a whole. Therefore, the Workers Compensation Fund would ask that the Administrative Law Judge's figures regarding the average weekly wage be changed in order to reflect the 14-month period. We would also ask that credit be given for overpayments made during the period of partial temporary total disability. If that be the case, the Workers Compensation Fund has paid \$6,876.02 and its liability would be \$5,188.86 for additional periods of temporary total disability following the latest surgery and the 5% permanent partial impairment rating. This would leave the workers Compensation Fund with a credit of \$1,687.16.

DATED, this 2 day of June, 1987.

  
DEBORAH M. LARSEN  
Attorney for Defendants



Mailing Certificate

I certify that on June 3, 1987, a copy of the attached  
Motion For Review was mailed to the following person(s) at the  
following address(es):

Owen C. Freebairn  
222 No. 1200 W., #115  
Orem, UT 84057

Erie V. Boorman  
Adm. of Second Injury Fund  
Industrial Commission of Utah  
Salt Lake City, UT

Richard G. Sumsion  
Administrative Law Judge  
Industrial Commission of Utah  
Salt Lake City, UT

Janet Fushimi

CASE No. 86001117

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Adn' F-83

FINDINGS OF FACT:

1. To the extent the same are not inconsistent with the Findings of Fact made herein, the Findings of Fact set forth in the prior Orders are incorporated hereby by reference as though fully set forth.

2. Upon further reflection regarding the data utilized in determining the average weekly wage of the applicant, the Administrative Law Judge is persuaded that the prior determinations in this regard should be set aside. In doing so, the Administrative Law Judge acknowledges that it is probably an impossible task to accurately ascertain the applicant's average weekly wage. The very nature of his business and the manner in which records were kept prevent such a determination. The recap of earnings statement submitted by the applicant is the best record available for doing so, but it clearly has serious flaws and limitations.

3. The Administrative Law Judge acknowledges the logic of the Workers Compensation Fund of Utah's argument that it was improper to exclude from the data base the months of April and September of 1983, simply because the applicant showed no income during those two months. After reviewing the recap sheet pertaining to the fourteen month period prior to the applicant's industrial accident, the Administrative Law Judge is convinced a consideration of that entire period of time creates a significant distortion and that it is unnecessary to consider that whole period of time for purposes of calculating the applicant's average weekly wage. Because of the fluctuations in the applicant's business income, the Administrative Law Judge believes utilization of the six month period from November, 1983 through April of 1984 is more representative of the applicant's average week wage, even though this results in a higher average wage than utilizing the longer period of time.

4. It should also be pointed out that the amounts previously deducted from the net earnings picture set forth in the loans and repayments column on the recap sheet are irrelevant to the net earnings, but in most cases were not included in any way in the net earnings column. The applicant acknowledges this was a mistake on his part. Some of the loan figures were incorporated in the net earnings figure and the Administrative Law Judge incorrectly assumed that all of them were included. A further check reveals this is not the case.

5. A comment must be made regarding the hours shown on the recap statement. These figures are entirely meaningless and have nothing whatsoever to do with hours actually worked by the applicant. The applicant explained that the hours shown have no relationship to the hours worked. The

OWEN G. FREEBAIRN  
SUPPLEMENTAL ORDER  
PAGE THREE

hours shown are simply a computation made by dividing the \$300.00 weekly rate of compensation paid to him by 40 to arrive at a figure of \$7.50. This figure was then divided into the net earnings shown to obtain the figure shown in the hours column. Therefore, they have no relationship to actual hours worked either before or after the accident.

4. The Administrative Law Judge has determined the average earnings of the applicant during the period November, 1983 through April, 1984 amounted to \$9,823.61. Dividing this amount by 26 weeks yields an average weekly wage of \$377.83. The compensation rate is then determined at two-thirds of the average weekly wage for a net amount of \$251.89 rounded off to the nearest dollar, or \$252.00. Adding a \$5.00 dependency allowance results in an average weekly compensation rate for temporary total disability of \$257.00 per week. The rate of compensation for permanent partial disability is \$200.00 per week, the statutory maximum.

5. The issue relative to temporary partial disability for work is no longer significant in light of the determination that the hours shown on the recap sheet are totally meaningless. The applicant did not work during the initial period of temporary total disability extending from April 28, 1984, through October 16, 1984.

CONCLUSIONS OF LAW:

The applicant is entitled to an adjustment in the workers compensation benefits previously awarded in accordance with the foregoing determination of his average weekly wage, which is made pursuant to the provisions of Section 35-1-75(3), U.C.A.

The overpayment of temporary total disability compensation utilizing the higher weekly rate of compensation is reduced from \$2,671.44 as reflected in the last Amended Order to \$970.87. The initial period of temporary total disability was for 26-4/7 weeks paid at the rate of \$300.00 per week, totalling \$7,285.72. The corrected compensation for this period of time at \$257.00 per week is \$6,314.85, or a net overpayment of \$970.87.

ORDER:

IT IS THEREFORE ORDERED that Freebairn Electric and/or Workers Compensation Fund of Utah pay applicant compensation at the rate of \$257.00 per week for 16.43 weeks, or a total of \$4,222.51, for temporary total

disability during the period September 10, 1986, through January 2, 1987, with credit to be allowed for the overpayment in 1984, amounting to \$970.87, or a net amount of \$3,251.64.

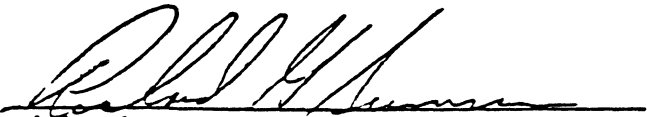
IT IS FURTHER ORDERED that Freebairn Electric and/or Workers Compensation Fund of Utah pay applicant compensation at the rate of \$200.00 per week for 15.6 weeks, or a total of \$3,120.00, as compensation for 5% permanent partial impairment attributable to the applicant's industrial accident of April 27, 1984. This amount shall be payable in a lump sum.

IT IS FURTHER ORDERED that Freebairn Electric and/or Workers Compensation Fund of Utah pay applicant's medical expenses attributable to his industrial accident of April 27, 1984; these expenses to be paid in accordance with the Medical and Surgical Fee Schedule of the Industrial Commission.

IT IS FURTHER ORDERED that the State Treasurer, as custodian of the Second Injury Fund, pay applicant compensation at the rate of \$200.00 per week for 15.6 weeks, or a total of \$3,120.00, as compensation for 5% permanent partial impairment attributable to pre-existing conditions. These payments shall commence on or about April 20, 1987, and paid at intervals of not less than every four weeks, with accrued amounts payable in a lump sum.

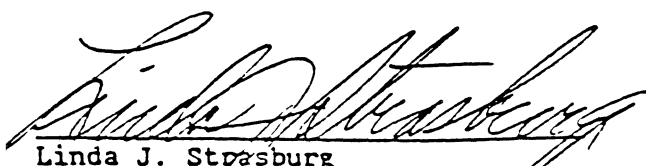
IT IS FURTHER ORDERED that the State Treasurer, as custodian of the Second Injury Fund, reimburse the Workers Compensation Fund of Utah to the extent of fifty percent (50%) of the amounts paid by way of temporary total disability and medical expenses upon the filing of a duly verified petition certifying the amounts expended.

IT IS FURTHER ORDERED that any Motion for review of the foregoing shall be filed in writing within fifteen (15) days of the date hereof, specifying in detail the particular errors and objections, and, unless so filed, this Order shall be final and not subject to review or appeal.

  
Richard G. Sumsion  
Administrative Law Judge

Passed by the Industrial Commission  
of Utah, Salt Lake City, Utah, this  
15<sup>th</sup> day of June, 1987.

ATTEST:

  
Linda J. Strasburg  
Commission Secretary

CERTIFICATE OF MAILING

I certify that on June 15, 1987, a copy of the attached Supplemental Findings of Fact, Conclusions of Law and Order was mailed to the following persons at the following addresses, postage paid:

Owen G. Freebairn  
222 North 1200 West, No. 115  
Orem, UT 84057

Freebairn Electric  
222 North 1200 West, No. 115  
Orem, UT 84057

Workers Compensation Fund of Utah  
Attention: Deborah Larsen, Attorney at Law

Erie V. Boorman, Administrator  
Second Injury Fund

INDUSTRIAL COMMISSION OF UTAH

By Janet N. Moriarty  
Janet N. Moriarty

Final  
Rec'd @ ADEM  
06-15-87  
(Signature)

STATE OF UTAH  
TO THE TREASURER OF THE STATE OF UTAH  
SALT LAKE CITY, UTAH 84114

X2306525


THE CONTINENTAL BANK  
AND TRUST COMPANY  
SALT LAKE CITY, UTAH

\* TWO THOUSAND NINE HUNDRED AND SIXTY-FOUR DOLLARS  
ONLY \*\*

VOID ONE YEAR FROM DATE		
PAY THIS AMOUNT		
MONTH	DAY	YEAR
06	12	87
\$ *****2,964.00		

THE ORDER OF No. **X2306525**

JWEN G FREEBAIRN  
222 NO 1200 WEST NO 115  
JREM UT 84057

  
Pete Carlson  
DIVISION OF FINANCE

⑈2306525⑈ ⑆124000041⑆ 000 13 028⑈

PLEASE  
DETACH  
BEFORE  
CASHING

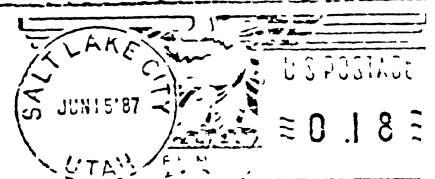
			NET AMOUNT
076012	052887	COMPENSATION	2,964.00

IND COMM-SECOND INJURY FD

DATE 06/12/87 No. **X2306525** STATE OF UTAH  
DIVISION OF FINANCE | TOTAL ▶ | 2,964.00

THE STATE OF UTAH  
DIVISION OF FINANCE  
ROOM 2110 STATE OFFICE BLDG  
SALT LAKE CITY, UTAH 84114

PRESORTED  
FIRST-CLASS



DEBORAH M. LARSEN, No. 4866  
Attorney for Workers Compensation Fund of Utah  
560 South 300 East  
Salt Lake City, Utah 84145-0420  
Telephone No: 533-7840

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BEFORE INDUSTRIAL COMMISSION OF UTAH

Case No: 86001117

OWEN G. FREEBAIRN,

Applicant,

vs.

FREEBAIRN ELECTRIC and/or  
WORKERS COMPENSATION FUND OF UTAH,  
and SECOND INJURY FUND,

Defendants.

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MOTION FOR REVIEW

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BACKGROUND

Findings of Fact and Conclusions of Law and Order were entered originally in this matter on March 31, 1987 denying further compensation to the applicant as a result of his industrial injury of April 27, 1984. This denial of further compensation was based on submitted copies of income tax returns for the years of 1983 and 1984. The income tax returns submitted showed a net loss for the corporation, and the applicant indicated that he and his wife did not file personal returns because their income was too low. Based on the submitted income tax returns, the Administrative Law Judge determined that compensation should be based on the statutory minimum of \$50.00 per week.

The applicant filed a Motion For Review to the Order and submitted additional data from the bankruptcy proceedings currently in process regarding Freebairn Electric. The Administrative Law Judge determined that a submitted "recap sheet" was the best representation of Mr. Freebairn's wage during the



periods in question and entered an Amended Findings of Fact Conclusions of Law and Order on May 28, 1987.

A Motion For Review was filed by the Workers Compensation Fund of Utah claiming that the Administrative Law Judge had erred in calculating the applicant's average weekly wage by excluding two months in which Mr. Freebairn showed no income. The defendants further objected to the failure of the Administrative Law Judge to determine credit for benefits subsequent to the applicant's industrial accident for temporary partial disability.

Based on personal meetings with the Administrative Law Judge to which the Workers Compensation Fund was not party, the Administrative Law Judge determined from the bankruptcy "recap sheet" a different average week for the applicant. The Judge further determined that because the hours listed on the "recap sheet" were apparently meaningless, the issue of Temporary Partial Disability was no longer significant.

In response to the Administrative Law Judge's Supplemental Findings of Fact Conclusions of Law and Order dated June 15, 1987, the Workers Compensation Fund enters the following objections.

ARGUMENT

POINT 1

THE BANKRUPTCY "RECAP SHEET" DOES NOT REPRESENT  
THE BEST MEASURE OF MR. FREEBAIRN'S AVERAGE  
WEEKLY WAGE DURING THE PERIODS IN QUESTION.

A. The Administrative Law Judge erred in not considering all submitted data relative to determining Mr. Freebairn's average weekly wage. The Judge had in his possession tax returns indicating that the corporation had sustained a net loss during the periods in question. Even the applicant and his wife admittedly did not file personal returns because their income was too low.

B. The Administrative Law Judge should have considered the Payroll and Premium Reports submitted by the Workers Compensation Fund. These reports determine the premium to be paid the Workers Compensation Fund for workers' compensation insurance coverage. These reports indicate that from October 1, 1983 until June 30, 1984, Freebairn Electric reported during a nine month period an average weekly payroll for corporate officers of \$66.66. This falls far short from the average weekly wage determined by the Administrative Law Judge of \$377.83 per week.

C. The records of the Bankruptcy Court compiled on the "recap sheet" have been orally explained away to such a degree that the Workers Compensation Fund does not believe it to represent a substantial or accurate basis to determine an average weekly wage. From personal meetings with the Administrative Law Judge to which the Workers Compensation Fund was not a party, the Administrative Law Judge has determined that the hours shown have no relationship to the hours worked. The Judge also determined that the loan and repayment column of the "recap sheet" is irrelevant even though in some cases the figures were considered in determining the net earnings. Apparently, the Administrative Law Judge also dismissed by inference the "job" column indicated during the period of time in question as meaningless. Also totally discounted were any type of earnings made between April 30, 1984, and October 16, 1984 as representing an average weekly wage.

Given the foregoing, the Workers Compensation Fund objects to the determination of an average weekly wage of \$377.83 for Mr. Freebairn at the time of the industrial injury of April 27, 1984. The Administrative Law Judge even admits that by relying on the recap of earning statements submitted by the applicant that he has relied on something clearly with serious flaws and limitations. It seems incredulous that Mr. Freebairn had such limited earnings that he did not file an income tax form during this period of time, paid very limited premiums for the workers' compensation coverage, and yet still made an average weekly wage of \$377.83. Furthermore, by considering only the bankruptcy recap sheet to determine an average weekly wage, the administrative law judge fails to take into account any income received as a result of being an officer or working with other companies in which Mr. Freebairn had an interest.

## POINT 2

THE ADMINISTRATIVE LAW JUDGE ERRED IN FINDING  
THAT TEMPORARY PARTIAL DISABILITY IS NO LONGER  
SIGNIFICANT IN LIGHT OF THE DETERMINATION THAT  
HOURS SHOWN ON THE "RECAP SHEET" ARE TOTALLY  
MEANINGLESS.

A. Based on reading the Supplemental Findings of Fact Conclusions of Law and Order, it appears the Administrative Law Judge has taken Mr. Freebairn's bankruptcy recap sheet and discounted the loan and repayment column, discounted the hours worked column and apparently has also discounted the job name column and only taken the net earnings column to determine an average weekly wage. In looking at the recap sheet, it is logical to assume that the job name on the left corresponds with the earnings on the right, therefore, during periods of time in question, not only did Mr. Freebairn have earnings

but he also did jobs between April 30th and October 16th of 1984. Mr. Freebairn has listed that Freebairn Electric did 13 jobs during this period of time. Disregarding Workers Compensation Fund payments which are listed, Mr. Freebairn still had net earnings from April 30, 1984 to October 16, 1984 of \$6,270.10.

B. The Workers Compensation Fund fails to see the difference between the determination that the net earnings six months prior to the industrial accident constitute an "average weekly wage" and yet the six months following the industrial injury, net earnings do not also represent a wage for Mr. Freebairn. There must be some consistency in the records that are used in determining Mr. Freebairn's average weekly wage. Utah Code Annotated Section 35-1-65.1 (in discussing Temporary Partial Disability payments) indicates that compensation shall be based on the difference between the employees average weekly wages before the accident and the average weekly wages that the employee was able to earn after the accident. The definition does not necessarily rely on number of hours worked. The Section is written in terms of average weekly wage. It was error for the Administrative Law Judge to use the net earnings column to determine an average weekly wage prior to the industrial accident and yet fail to use those same figures in determining an average weekly wage six months following the industrial injury. The Workers Compensation Fund objects to such an inconsistency. The Administrative Law Judge also fails take into account the job names listed on the left side of the column.

### POINT 3

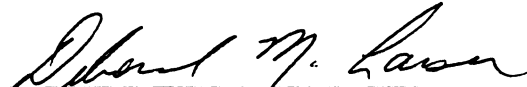
THE WORKERS COMPENSATION FUND OBJECTS TO THE  
ASSUMPTIONS AND DECISIONS THAT HAVE BEEN MADE  
BASED ON ORAL REPRESENTATIONS IN WHICH ALL THE  
PARTIES WERE NOT INVOLVED.

The Workers Compensation Fund did not have an opportunity to assess the information given to the Administrative Law Judge in explanation of the "recap sheet" in which the number of hours worked were discarded, loans and repayment columns were discarded, jobs indicated were discarded and Mr. Freebairn stated that he had not worked for the six months following industrial injury even though he had net earnings and jobs listed during that period of time. This is especially disconcerting when the Administrative Law Judge in his Findings of Fact Point #4, indicates that the applicant made mistakes in regard to loan and repayment columns and net earning columns.

CONCLUSIONS

Based on the foregoing objections, the Workers Compensation Fund would ask that the Administrative Law Judge in determining the average weekly wage, consider not only the "recap sheet" that has been explained and re-explained, but also the premium reports submitted by the Workers Compensation Fund and tax returns submitted by Mr. Freebairn. The Workers Compensation Fund also objects to the finding that they should not be given credit for Temporary Partial Disability overpayment during the period from April 30, 1984 to October 16, 1984, especially in light of the fact that Freebairn Electric was receiving earnings during this period of time. The Workers Compensation Fund would also ask that any discussions regarding this claim in regarding records relied upon to determine an average weekly wage be done with all parties present.

Dated this 15 day of July, 1987.

  
\_\_\_\_\_  
DEBORAH M. LARSEN  
Attorney for Defendants

THE INDUSTRIAL COMMISSION OF UTAH

Case No: 86001117

OWEN G. FREEBAIRN,

Applicant,

vs.

FREEBAIRN ELECTRIC and/or  
WORKERS COMPENSATION FUND OF UTAH and  
SECOND INJURY FUND,

Defendants.

ORDER GRANTING

MOTION FOR REVIEW

\* \* \* \* \*

On March 31, 1987, an Administrative Law Judge of the Industrial Commission issued Findings of Fact, Conclusions of Law and Order in the above-captioned case. In that Order the Administrative Law Judge denied further compensation to the applicant as the medical evidence submitted did not indicate an additional period of temporary total disability or a permanent partial impairment rating. The Administrative Law Judge also noted in that Order that the applicant was entitled to only the minimum compensation rate for the April 1984 injury as the applicant's income tax returns for 1983 and 1984 showed a net loss to the corporation for which he worked. The applicant indicated that because he was president of the corporation, and because the corporation showed no profit, he did not file a personal income tax return because his earnings were minimal. Because the Workers Compensation Fund had paid temporary total compensation to the applicant based on the maximum rate of compensation instead of the minimum, the Administrative Law Judge found an overpayment of compensation to the applicant of \$5,328.58. This amount was ordered as a credit against further compensation benefits due the applicant.

On April 10, 1987, the applicant filed a Motion for Review attaching recap sheets of business income that were prepared for the Bankruptcy Court. The applicant argued the accounting on those sheets verified that in fact the applicant was entitled to the maximum rate of compensation based on his average weekly wage. In order to obtain additional information regarding the applicable compensation rate, the Administrative Law Judge solicited from the Workers Compensation Fund information with respect to the workers compensation premium paid by the applicant. The Workers Compensation Fund responded on May 20, 1987 indicating the applicant paid only the minimum premium for most of the relevant period of time because the payroll report sheets indicated no payments of salary to himself.

On May 28, 1987, the Administrative Law Judge issued Amended Findings of Fact, Conclusions of Law and Order awarding additional temporary total compensation and permanent partial impairment benefits. The Administrative Law Judge found the correct compensation rate was \$195.00 per week based on the applicant's recap sheet. On June 2, 1987, the Workers Compensation Fund filed a Motion for Review. The Workers Compensation Fund stated it was error for the Administrative Law Judge to base the compensation rate only on the months when the applicant's income was the highest and that the Administrative

Law Judge should have included in the base period two months when the applicant's business showed no income whatsoever. This would have resulted in a compensation rate of \$162.00 per week but the Workers Compensation Fund notes that using the applicant's recap sheet, because the applicant derived some income after the injury, the applicant was in fact only entitled to temporary partial disability (2/3 of the difference between pre-injury income and post-injury income) which amounted to \$17.00 per week per the recap sheet.

On June 15, 1987, the Administrative Law Judge issued Supplemental Findings of Fact, Conclusions of Law and Order. Based on further clarification from the applicant regarding the recap sheet, the Administrative Law Judge determined a six month period prior to the injury should be the base period and arrived at a third compensation rate of \$257.00 per week. On July 2, 1987, the Workers Compensation Fund again filed a Motion for Review objecting to the third different compensation rate the Administrative Law Judge found was applicable. The Workers Compensation Fund indicates objection to the use of just the recap sheet as the basis for determining the compensation rate. The Workers Compensation Fund states the Administrative Law Judge should also consider the workers compensation premium paid (indicating the minimum compensation rate of \$55.00 per week applicable) and the income tax returns (also indicating the appropriate rate to be \$55.00 per week). The Workers Compensation Fund also objects to the Administrative Law Judge's ex parte communications with the applicant regarding the recap sheet.

The Commission finds the only issue to be resolved on review is the correct compensation rate. The Commission finds that the preponderance of the reliable evidence indicates the minimum rate of \$55.00 per week (\$50.00 per week minimum rate plus \$5.00 per week for 1 dependent) is applicable. The recap sheet submitted by the applicant does not accurately reflect what the applicant's average earnings were. The recap sheet includes loans and loan repayments and other assorted business accounting that is very difficult to sort out. The payroll reports for premium purposes and the income tax returns are more reliable and more accurate sources of actual income received and the Commission therefore finds these sources are the correct evidence on which to base the computation of the compensation rate. As they indicate the minimum rate is correct, the Order that follows is based on a minimum rate of \$55.00 per week and amends the Administrative Law Judge's Supplemental Order dated June 15, 1987.

ORDER:

IT IS THEREFORE ORDERED that Freebairn Electric and/or Workers Compensation Fund of Utah pay the applicant compensation at the rate of \$55.00 per week for 16.43 weeks, or a total of \$903.65, for temporary disability during the period September 10, 1986 through January 2, 1987 which amount has already been paid pursuant to the defendant's overpayment of temporary total compensation in 1984.

IT IS FURTHER ORDERED that Freebairn Electric and/or Workers Compensation Fund of Utah pay the applicant compensation at the rate of \$55.00 per week for 15.6 weeks, or a total of \$858.00, as compensation for 5% permanent partial impairment attributable to the applicant's industrial

ORDER GRANTING MOTION  
PAGE THREE

accident of April 27, 1984. This amount has also been paid pursuant to the defendant's overpayment of temporary total compensation in 1984.

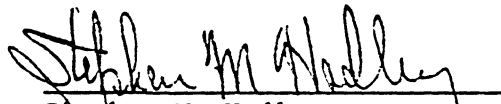
IT IS FURTHER ORDERED that Freebairn Electric and/or Workers Compensation Fund of Utah pay the applicant's medical expenses attributable to his industrial accident of April 27, 1984; these expenses to be paid in accordance with the Medical and Surgical Fee Schedule of the Industrial Commission.


IT IS FURTHER ORDERED that the State Treasurer as Custodian of the Second Injury Fund, pay the Workers Compensation Fund reimbursement of \$858.00 which the Workers Compensation Fund has paid the applicant pursuant to the Workers Compensation Fund's overpayment of temporary total compensation in 1984.


IT IS FURTHER ORDERED that the State Treasurer as Custodian of the Second Injury Fund, reimburse the Workers Compensation Fund of Utah to the extent of 50% of the amounts paid by way of temporary total disability and medical expenses upon the filing of a duly verified Petition certifying the amounts expended.

IT IS FURTHER ORDERED that the Workers Compensation Fund shall be allowed a credit of \$3,204.66 as against future compensation due the applicant as result of the 1984 overpayment of temporary total compensation.

~~IT IS FURTHER ORDERED~~ that this is the final Commission Order and ~~further appeal~~ must be made to the Court of Appeals pursuant to U.C.A. 35-1-83.

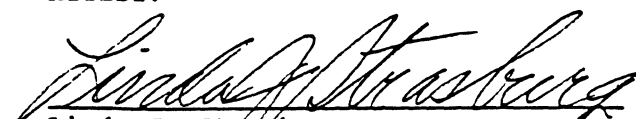
  
Stephen M. Hadley  
Chairman

  
Lenice L. Nielsen  
Commissioner

  
John Florez  
Commissioner

Passed by the Industrial Commission  
of Utah, Salt Lake City, Utah, this  
20th day of August, 1987.

ATTEST:

  
Linda J. Strasburg  
Commission Secretary

CERTIFICATE OF MAILING

I certify that on August 28<sup>th</sup>, 1987, a copy of the attached ORDER GRANTING MOTION FOR REVIEW in the case of OWEN G. FREEBAIRN was mailed to the following persons at the following addresses, postage paid:

Owen G. Freebairn  
222 North 1200 West, #115  
Orem, UT 84057

Workers Compensation Fund of Utah  
P.O. Box 45420  
SLC, UT 84145-0420

Erie V. Boorman, Administrator  
Second Injury Fund

Richard G. Sumsion, Administrative Law Judge

Janet L. Moffitt, Administrative Law Judge

INDUSTRIAL COMMISSION OF UTAH

By *Pamela Hayes*  
Pamela Hayes



INDUSTRIAL COMMISSION OF UTAH

160 EAST 300 SOUTH • P.O. BOX 45580  
SALT LAKE CITY, UTAH 84145-0580

*Pd Co CFCa*  
*09-14-87*  
*(signature)*

PRE-SORTED  
FIRST CLASS

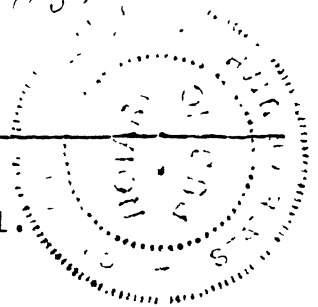


OWEN G FREEBAIRN  
222 NORTH 1200 WEST #115  
OREM UT 84057



Owen G. Freebairn  
222 north 1200 West St #115  
Orem, Utah. 84057.  
801-224-7251

Sept 25 1987



Before UTAH COURT OF APPEALS  
Industrial Case No. 86001117, pending this Appeal.

OWEN G. FREEBAIRN  
Applicant

vs.

WORKERS COMPENSATION FUND  
OF UTAH and  
SECOND INJURY FUND.

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MOTION FOR REVIEW

BY

UTAH COURT OF APPEALS.

### REASONS FOR APPEAL

#### BACKGROUND and CONCLUSIONS from INDUSTRIAL CASE No 86001117.

Chairman Hadley & Commissioners of Industrial Commission's review Board in above case ARE penalizing applicant by CANCELLING prev awarded benefits BECAUSE his company failed to show profits and payment of wages to applicant corp officer for period shown. Judge Sumsion reviewed this case several times before making his final decision and ORDER of June 15, 1987. Kindly review this order which is based upon applicant's recap sheets taken from Utah bankruptcy case no. 83C-00296 's financial records as filed with the court.

The applicant's earnings, as shown from Judge Sumsion's ORDER & analysis, were eaten up in the operation of a Corp in bankruptcy, with a corp officer injured and unable to work. Under these conditions it is impossible for any Corporation to pay wages to corp officers above the costs of operation. This is reason for Income taxes showing a loss & no income on personal Income taxes. The applicant did produce an average earning of \$377.53 per week during the period, as shown by Judge Sumsion's June 15th analysis in detail and Order. This produced a Compensation rate of \$252.00 per week applicable.

Hadley's review Board based their findings, as in a standard case and refuse to recognize the facts taken from the bankruptcy courts records as to what actually happened to the corp during this period. Again I refer to the Order of the 15th June 1987 as set forth and explained by Judge Sumsion.

Applicant does hereby request help from the UTAH COURT OF APPEALS TO GIVE A FAIR AND EQUITABLE ruling on this case, according to the facts as presented. Thank You

Owen G. Freebairn, Applicant  
Adn'P-98

OGF/OGF.

IN THE UTAH COURT OF APPEALS.

-----ooOoo-----

Owen G. Freebairn  
222 North 1200 West #115  
Orem, Utah. 84057  
801-224-7251  
Plaintiff, Petitioner,  
Applicant.

V.

Board of Review of the  
Industrial Commission of Utah;  
Second Injury Fund;  
Workers Compensation Fund  
of Utah.  
Defendants.

DOCKETING STATEMENT

Court of Appeals.

No 870419 CA

This Appeal is from a Final Judgement of the Trial Review Court of the Industrial Commission, ending all Claims of All Parties; and giving jurisdiction to the UTAH COURT OF APPEALS to hear this APPEAL AND MOTION FOR REVIEW. Attached is a copy of ORDER GRANTING MOTION FOR REVIEW, issued by Chairman Stephen M. Hadley and Review Board of Industrial Commission, August 28, 1987.

This case is filed from an ORDER GRANTING MOTION FOR REVIEW, filed on August 29th 1987 by Industrial Commission's Review Board Stephen M. Hadley, Chairman cancelling Applicants Benefits previously awarded by Judge Sumsion on June 15th 1987

The Industrial Commission's Review Board, AND The Worker's Compensation Fund of Utah FAIL to recognize and cope with the following: See attached papers to substantiate:

Applicant's earnings proved IN through Bankruptcy Court Records., at \$377.83 per week, making a Compensation Rate of \$257.00 per week including a \$5.00 per week dependency allowance.

Adjustments for temporary total Disability Benefits as listed.

A Corporation in Bankruptcy - Methods of reporting on Financial Statements, showing earnings from recap sheets.

Permanent Partial Impairments 5%

Why Income taxes show No Gain or Profit, hence no regular paid earnings.

Additional smaller items and Mis Statements to be Delt with to come

I solicit Help from the Utah Court of Appeals, to straighen out these Inequities. Thank you kindly,

OGF/OGF.

Adn'F-99 Owen G. Freebairn, Applicant, etc.

*Owen G. Freebairn* 10-19-87

certificates of mailing;

I certify that on October 19, 1987, a copy of each of the listed documents was mailed to each of the following persons at addresses shown below:

DOCUMENTS MAILED:

1. SUPPLEMENTAL FINDINGS OF FACT - CONCLUSIONS OF LAW AND ORDER. Judge Richard G. Sumsion. June 15, 1987.
2. MOTION FOR REVIEW. Deborah M. Larsen. July 1, 1987.
3. ORDER GRANTING MOTION FOR REVIEW. Stephen M. Hadley & Review Board. Aug 28, 1987.
4. MOTION FOR REVIEW BY UTAH COURT OF APPEALS. Owen G. Freebairn, Sept 28, 1987.

MAILINGS TO EACH OF THE FOLLOWING:

UTAH COURT OF APPEALS. (6 copies)  
400 Midtown Plaza  
230 South 500 East St  
Salt Lake City, Utah . 84102.

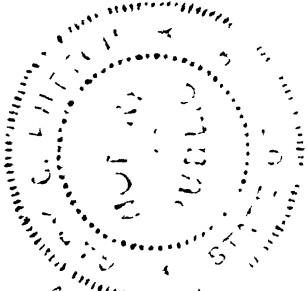

INDUSTRIAL COMMISSION OF UTAH.  
Stephen M Hadley, Chairman.  
160 East 300 South St.  
P. O. Box 45580  
Salt Lake City, Utah. 84145-0580.

INDUSTRIAL COMMISSION OF UTAH.  
SECOND INJURY FUND.  
Erie V Boorman  
160 East 300 South St  
P. O. Box 45580  
Salt Lake City, Utah. 84145-0580.

WORKERS COMPENSATION FUND OF UTAH.  
Deborah M. Larsen  
560 South 300 East St.  
Salt Lake City, Utah. 84145-0420.

Copy Byron Fisher, Atty,  
Salt Lake City, Utah.

Owen G. Freebairn, Applicant, Petitioner.

  
  
Owen G. Freebairn



INDUSTRIAL COMMISSION OF UTAH

NORMAN H. BANGERTER, GOVERNOR

STEPHEN M. HADLEY, CHAIRMAN  
L. L. NIELSEN, COMMISSIONER  
JOHN FLOREZ, COMMISSIONER

November 4, 1987

*Rcd @ OREM*  
*11-07-87*  
*[Signature]*

Timothy Shea  
Utah Court of Appeals  
230 South 500 East  
Salt Lake City, Utah 84102

Re: Owen G. Freebairn v. Freebairn  
Electric and/or Workers Compensat  
Fund, Second Injury Fund and In-  
dustrial Commission of Utah,  
Commission Case No. 86001117  
Court of Appeals No. 870419CA

Dear Mr. Shea:

Enclosed please find the record for the above-referenced case. On appeal, the Workers Compnesation Fund, the Second Injury Fund and the Industrial Commissio are aligned. All three entities more or less have the same interest as Respon- dents in this matter and therefore the Industrial Commission feels there is no need for separate representation of the Commission on appeal. Therefore, the Industrial Commission will NOT be filing a separate brief nor presenting oral argument in this matter. The Commission will rely on the Workers Compensation Fund to present the proper arguments on appeal. I am unaware whether or not Mr. Boorman intends on appearing separately to represent the Second Injury Fund but if I had to guess, I would presume he does not intend to. I will be glad to answer any questions any of the parties may have regarding the Commission's posi- tion on this appeal.

BY DIRECTION:  
INDUSTRIAL COMMISSION OF UTAH

*[Signature]*  
Barbara Elicerio  
Legal Counsel

cc: ✓ Owen G. Freebairn, 222 North 1200 West, No. 115, Orem, UT 84057  
Deborah Larsen, Attorney, Workers Compensation Fund of Utah, 560 South 300 East  
P.O. Box 45420, SLC, UT 84145-0420  
Black & Moore, Attorneys, 261 East 300 South, #300, SLC, UT 84111  
Erie Boorman, Administrator, Second Injury Fund  
Earl Dorius, Assistant Attorney General, State Capitol, SLC, UT 84114

PROOF OF SERVICE

CERTIFICATES OF DELIVERY

I Certify that on December 23, 1987, Copies of Appellant's BRIEF were delivered to EACH of the following persons at Addresses below;

UTAH COURT OF APPEALS (8 copies)

400 Midtown Plaza  
230 South 500 East Street  
Salt Lake City, Utah, 84102

Rc'd by \_\_\_\_\_

Industrial Commission of Utah. (4 Copies)

Workers Compensation Fund of Utah.  
Deborah M. Larsen, Attorney. (for both)  
560 South 500 East Street  
P. O. Box 45420.

Salt Lake City, Utah. 84145-0420

Rc'd by \_\_\_\_\_

Erie V. Boorman, Administrator. (2 Copies)

Industrial Commission of Utah.  
Second Injury Fund.  
160 East 300 South Street  
P. O. Box 45580.  
Salt Lake City, Utah. 84145-0420.

Rc'd by \_\_\_\_\_

Barbara Elicerio, Legal Counsel for ( 2 Copies)

Industrial Commission of Utah.  
Workers Compensation Division  
160 East 300 South Street  
P. O. Box 45580.  
Salt Lake City, Utah. 84145-0580.

Rc'd by \_\_\_\_\_